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MINING ENFORCEMENT AND SAFETY ADMINISTRATION

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PUBLIC HEARING :
PORTER TUNNEL MINE (DISASTER) :
TOWER CITY, SCHUYLKILL COUNTY, :
PENNSYLVANIA :

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American Legion Hall
South Tenth Street
Tower City, Pennsylvania

Tuesday, June 7, 1977

Met, pursuant to notice, at 9:00 a.m.

BEFORE:

JOSEPH O. COOK, Co-Chairman
Deputy Assistant Administrator, Coal Mine Health and Safety, Mining Enforcement and Safety Administration

WALTER J. VICINELLY, Co-Chairman
Commissioner, Office of Deep Mine Safety, Pennsylvania Department of Environmental Resources

PANEL MEMBERS:

JACK E. TISDALE
District Manager, Coal Mine Health and Safety, District 3, Morgantown, West Virginia

JAMES J. SHOBER, JR.
Anthracite Deep Mine Safety Director, Office of Deep Mine Safety, Pennsylvania Department of Environmental Resources, Pottsville, Pennsylvania

ROBERT J. PHARES
Trial Attorney, Office of the Solicitor, United States Department of the Interior

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DENNIS STRAIN
Assistant Attorney General, Pennsylvania
Department of Environmental Resources,
Bureau of Legal Services

APPEARANCES:

DAVID TODD, Esquire
Office of the Solicitor
Department of the Interior
4015 Wilson Boulevard
Arlington, Virginia 22201
(For MESA)

ALLEN SHAFFER, Esquire
Shaffer and Kleinman
120 Market Street
Harrisburg, Pennsylvania 17101
(For Kocher Coal Company)

MARK SAVIT, Esquire
Cotten, Day and Doyle
804 Ring Building
1200 18th Street, N.W.
Washington, D. C. 20036
(For Kocher Coal Company)

ALSO PRESENT:

EDWARD GREEN, Esquire
Special Assistant to the Administrator
of MESA

JUSTINE WASICEK, Assistant Attorney General
Pennsylvania Department of Environmental
Resources, Bureau of Legal Services

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P R O C E E D I N G S

MR. COOK: Good morning. This hearing will now come to order. My name is Joseph O. Cook. I am the Deputy Assistant Administrator, Coal Mine Health and Safety of the Mining Enforcement and Safety Administration.

I am here this morning serving as Co-Chairman of this panel, which has been convened to conduct a public hearing into the facts surrounding the cause of the inundation which occurred at the Porter Tunnel Mine of the Kocher Coal Company on March 1, 1977.

With me this morning, on my immediate left, serving as Co-Chairman of this panel, is Mr. Walter J. Vicinelly, the Commissioner, Office of Deep Mine Safety, Pennsylvania Department of Environmental Resources.

At this time we would like to express our sympathy to the families of the nine anthracite miners who lost their lives in the Porter Tunnel Mine disaster.

One of the primary legislative objectives in establishing state and federal coal mine laws was to prevent major disasters in the nation's coal mines; and, when such a disaster occurs, we all have failed to accomplish one of our primary objectives.

Although it is of small consequence to the families of the victims, we feel that, at least, we should learn from this most unfortunate occurrence how to prevent similar

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occurrences and that their deaths will not have been completely in vain.

The panel, which represents both the state and federal governments, hopes to learn from our investigation if the present laws and standards relating to the drilling of bore holes in mines adjacent to abandoned areas are adequately interpreted; should new regulations be developed; is there existing technology which would help; is additional research needed?

These are some of the major questions we hope to find answers to from the total efforts of our investigation.

At this time I would like to introduce the other two panel members. On the far left of the table is Mr. James J. Shober, Anthracite Deep Mine Safety Director, Pottsville, Pennsylvania.

On the far right of the table is Mr. Jack E. Tisdale, District Manager, Coal Mine Health and Safety, District 3, Morgantown, West Virginia.

On Mr. Vicinelly's immediate left is Mr. Dennis Strain, Assistant Attorney General, Pennsylvania Department of Environmental Resources, Bureau of Legal Services.

On my right is Mr. Robert J. Phares, an attorney with the Office of the Solicitor, Department of the Interior.

Mr. Strain and Mr. Phares are serving as Co-Counsel to this panel.

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Behind the panel and on my right is Mr. Edward Green, who is also an attorney, and is a Special Assistant to the Administrator of MESA.

On my left is Ms. Justine Wasicek, Assistant Attorney General, Pennsylvania Department of Environmental Resources, Bureau of Legal Services.

This proceeding is being conducted under the authority of Section 103 of the Federal Coal Mine Health and Safety Act of 1969, which states that "for the purpose of making an investigation of an accident or other occurrence related to health and safety in coal mines, the Secretary may, after notice, hold public hearings, may sign and issue subpoenas for the attendance and testimony of witnesses, and the production of relevant papers, books, documents and administer oaths."

This is strictly a fact-finding hearing; no one is on trial. Each witness will be placed under oath and advised that anything he says may be used against him in potential proceedings before an administrative tribunal or court of law, which may arise from this matter.

I would like to explain the procedures that we will be following during the course of the hearings.

Following brief remarks by myself and Mr. Vicinelly, we will hear from the witnesses. All questions of the witnesses will be asked by members of the panel or co-counsel.

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Each witness will be called individually, placed under oath, and then questioned.

If any member of the audience has questions that they would like the panel to ask of a particular witness, please write them on 3 by 5 cards, which you may obtain from members of our staff who are in the audience.

If the panel considers the questions appropriate for this inquiry, they will most certainly be asked.

A court reporter is present and will record everything that is said. MESA will provide each witness with a copy of his remarks if he so desires.

Anyone desiring a transcript of the whole proceeding should make arrangements with the court reporter.

A copy of the proceeding will be made and donated to the local library.

Each witness who has been subpoenaed to testify will receive a standard fee paid to witnesses who are subpoenaed to testify in United States District Courts.

The fee is $20 per day, plus 10 cents per mile travel. Mileage is considered to be the total mileage from your point of departure to the site of the hearing and the return trip.

If you will give your name, address and mileage to Ms. Lynn Jones an appropriate check will be mailed to you.

At this time, so you know who Ms. Jones is, if she

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will stand, please. She is in the back of the room.

(Ms. Jones standing.)

MR. COOK: Thank you, Miss Jones.

Cameras and reporting equipment will be permitted in the hearing room only to the extent that they are not disruptive of these proceedings.

We request that members of the audience remain quiet during the course of the hearings, and that everyone refrain from smoking, eating or drinking in the hearing room.

I have also requested that individuals who feel that they have any information relevant to the investigation and have not already contacted the state or MESA, please notify Mr. Strain or Mr. Phares.

The hearings today will be from 9:00 a.m. until 11:30, at which time we will recess for lunch. The hearing will resume at 12:30 p.m., and recess for the day at 5:00 p.m.

Due to prior commitments for this building, we will have to recess the hearings today at 5:00 p.m. However, in order to complete the hearing by not later than Friday, we will conduct the hearings later into the evening on Wednesday and Thursday.

The time schedule for the following day will be made at the end of each hearing day.

We will also have short, periodic breaks for the court reporter, if the court reporter will just let the

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panel know when a break is needed to change the tapes.

During the course of the hearing we will receive testimony from management personnel at Kocher Coal Company, from hourly employees, state and federal inspectors, and others that may have information that could shed light onto the circumstances surrounding this fatal accident.

Because we desire each witness to testify from his own independent recollection, the witnesses will testify one at a time, and will remain outside of the hearing room until it is their turn to testify.

We have provided a room where all witnesses may wait until it is their turn to testify, and we request that the witnesses not discuss their testimony among themselves. That may serve to confuse the facts, and we want each witness to testify concerning what he remembers, and not what someone else says they remember.

Once a witness has testified, he may feel free to remain in the hearing room and listen to the testimony of the other witnesses.

We request, however, that in order to avoid confusion, he does not discuss his testimony with any of the other witnesses until all witnesses have testified.

All witnesses are subject to possible recall in this hearing.

At this time I believe Mr. Vicinelly would like to

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make a statement on behalf of the Office of Deep Mine Safety, Department of Environmental Resources.

Mr. Vicinelly.

MR. VICINELLY: Thank you, Joe.

As Mr. Cook stated, this is a joint investigation by both the Federal Mine Enforcement and Safety Administration and the Pennsylvania Office of Deep Mine Safety.

Speaking for my own office, whenever we conduct an investigation, we carefully question all the persons involved to see if they have complied with the requirements of the Pennsylvania law.

If we find that any persons have violated their duties under the law, we then take appropriate legal action.

In investigating this matter, we are also concerned with discovering a way to avoid any future recurrence of the tragedy at Porter Tunnel.

For this reason, we are working closely with the federal government to see if we can develop new laws and regulations and new techniques for finding abandoned workings before break-ins like this occur.

So, in addition to determining whether or not there have been any violations of the law, we hope that the testimony at this hearing will help us solve the problem which we are having when approaching abandoned workings.

Thank you.

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MR. COOK: Mr. Shober, would you have any statement to make at this time?

MR. SHOBER: No. I wouldn't have anything to add to this other than what Mr. Vicinelly has said.

MR. COOK: Mr. Tisdale.

MR. TISDALE: No, Mr. Cook, I don't.

MR. COOK: We have tried to work closely with the U. S. Senate and the House of Representatives and particularly with the Congressional staff from the State of Pennsylvania.

We have with us today, and we would like to recognize, a few of those members.

We have with us today Mr. Roy Wade, Chief Investigator for the Senate Labor Committee.

Would you rise, please, Mr. Wade.

(Mr. Wade standing.)

MR. COOK: Thank you.

We have Mr. Paul Dwyer, Counsel for the House Subcommittee on Safety and Health.

Would you rise, please?

(Mr. Dwyer standing.)

MR. COOK: Thank you.

I believe Mr. David Melino with Congressman Dent; is he here? He planned on being here.

Would there be other state or federal people that we might have overlooked? If you would rise and be recognized

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we would appreciate it.

(No response.)

MR. COOK: Thank you.

Perhaps members of the audience may wish to communicate with some of these representatives during the course of the hearing, so we thought we would announce who they are and where they are in the building.

This hearing will not be going into all the aspects of the circumstances surrounding the inundation, but will focus on two primary areas which we feel need further clarification.

These two areas are: one, what the operator of the mine knew or should have known concerning abandoned workings which were adjacent to the Porter Tunnel Mine West Skidmore South Dip Conveyor Gangway section; and, two, whether the operator was complying with the federal and state requirements for the drilling of bore holes in areas adjacent to abandoned mines.

For the purpose of summarizing the major points of information already obtained through the federal and state investigation, we have assembled copies of what we call a fact sheet, and these fact sheets are located on my right at the press table if you would like to get a copy of them.

The first witness to testify will be Mr. John Shutack, MESA District Manager out of the Wilkes-Barre office. He will

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outline, briefly, the basic activities that took place at the mine prior to the inundation.

He will also summarize the basic facts concerning the inundation itself, which we already know, and which will not be primary areas of testimony during this hearing.

Following Mr. Shutack, the general order of witnesses will be as follows: first, the first shift survivors; second, the second shift hourly employees; third, three former employees of the mine; fourth, witnesses outside the company who have knowledge of the adjacent workings; fifth, officials of the Kocher Coal Company and management personnel at the Porter Tunnel Mine; and, finally, federal and state mine inspectors.

At this point, if Mr. Shaffer would come forward, please, I think he would like to enter something into the record.

MR. SHAFFER: I am Allen Shaffer of the firm of Shaffer and Kleinman. Mark Savit of Cotten, Day and Doyle, and I, represent Kocher Coal Company, its officials, and certain of its employees in these proceedings.

We want to enter of record at this time, our objection, and note that we take general exceptions to the manner in which this hearing is being conducted.

Our exceptions are not based on the fact that an investigation should not be made, but rather, on the manner

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in which this hearing is to be conducted.

Normally when we speak of a hearing we think of a forum where both sides are accorded the opportunity to examine all witnesses. But, we are not going to be accorded the normal right of cross-examination as is customary in a hearing.

This becomes extremely important in those situations where testimony may be permitted, as we have reason to believe it will, that would not be admissible in a court of law.

Further, we will not be able to fully interrogate former employees who were discharged and may now see this as an opportunity, in their mind, to get even with the company.

In addition, we are not permitted to take exceptions to any of the testimony that may be introduced. This will permit hearsay and other evidence which, again, should not go on the record.

Also, this may permit to go on the record facts that have no basis, but which tend to reflect on the reputation of the Kocher Coal Company.

Further, we are concerned that witnesses may be affected by the presence of the T.V. cameras. This may inhibit them and make it difficult to secure fully responsive answers. It is not possible to fully evaluate the distraction it may cause.

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Let it be understood that the officials of the Kocher Coal Company will continue, as they have in the past, to cooperate with state and federal officials in their efforts to disclose all of the facts surrounding this unfortunate event.

All that we ask is that we be accorded the same courtesy; that we be given the full opportunity to participate in this hearing.

We note that the testimony to be given here will become a part of the public record, a copy is even to be presented to the local library; and, yet, we are not given the opportunity to fully present any facts which might be pertinent as far as the Kocher Coal Company is concerned.

For the reasons set forth above, we are compelled to object to these proceedings and the manner in which they are being held, and to enter of record a general exception.

Thank you.

MR. COOK: Thank you, Mr. Shaffer.

We recognize your concern, and, of course, as you know, our counsel has been working with you the past few days to try to accommodate the company's concerns to the extent that we can.

I would like to point out that the hearing is not an adversary proceeding, and it is just a continuation of our investigation into this fatal accident.

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Your comments have been entered into the record for the Kocher Coal Company, Mr. Shaffer.

Before Mr. Shutack testifies, we will ask that all the persons who are scheduled to testify, other than Mr. Shutack, accompany Mr. Shoffstall -- would you stand, please, Mr. Shoffstall, so they will recognize you -- who will show you to a room where you can wait until you are called to testify.

While you are waiting to testify, feel free to move around, read or discuss anything other than the facts surrounding the accident.

If it appears that some of the witnesses will not be called until tomorrow, we will advise you of this at the earliest possible opportunity, and you will be free to leave at that time; but, since you are under subpoena, you must return tomorrow at 9:00 a.m., and be available for testimony at that time.

At this time we would like to recognize the outstanding recovery efforts of the employees and officials of the Kocher Coal Company, the state and federal mine inspectors, and the Independent Miners Association, local drilling companies and the U. S. Bureau of Mines, on March 1 and thereafter, going up through March 30, on the recovery of victims of the disaster.

We would also like to express our gratitude for the

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assistance provided by the Salvation Army, the Red Cross, the Pennsylvania State Police, and the several local fire and ambulance associations.

Recognition is also acknowledged to the electrical utilities and telephone companies for providing to us prompt and efficient service.

We would like to have Mr. Shutack come forward, please, as our first witness.

I am delegating to Mr. Phares my authority to administer the oath to all witnesses.

Before we get into these proceedings now, would all the other witnesses please leave the room and go to the waiting area. Mr. Shoffstall will conduct them down to the waiting room now.

That is all witnesses other than Mr. Shutack. Whereupon,

JOHN SHUTACK

having been duly sworn, testified as follows:

MR. PHARES: Please state your name and spell your last name?

WITNESS SHUTACK: John Shutack, S-h-u-t-a-c-k.

MR. PHARES: Please state your address.

WITNESS SHUTACK: 20 North Pennsylvania Avenue, Wilkes-Barre, Pennsylvania.

MR. PHARES: Mr. Shutack, before we begin the

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questioning I want you to understand that this is a formal, investigatory hearing. A written transcript is being made of the statements taken.

You have the right to have counsel present while you are testifying. You may consult with counsel before answering any questions, and you may refuse to answer any question until you have had an opportunity to consult with counsel of your choice.

You also have the right not to make any statement which might lead to your conviction of any state or federal offense.

You should understand that any statement which you make can be used against you in any court action arising out of this matter.

If you do not understand a question, you have the right to have it clarified before you give an answer.

Do you understand the rights which I have just explained to you?

WITNESS SHUTACK: Yes.

MR. COOK: Mr. Shutack, what is your position at this time?

WITNESS SHUTACK: District Manager, Coal Mine Health and Safety, District 1.

MR. COOK: Was that your position on March 1, 1977?

WITNESS SHUTACK: Yes, it was.

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MR. COOK: Mr. Shutack, what we would like for you to do, if you would, please, is to summarize the basic facts that you knew about the mine prior to the inundation, at the time of the inundation, and after the inundation, primarily to -- as I mentioned earlier, we have a fact sheet; but, primarily to let those people who haven't had a chance to read the fact sheet know the basic information that the investigation has already determined.

If you would do that for us now, at this time, please.

WITNESS SHUTACK: On March 1, 1977, at approximately 11:50 a.m., an inrush of water occurred in the West Skidmore Dip Conveyor Gangway section of the Porter Tunnel Mine, Kocher Coal Company, claiming the lives of nine miners, injuring three others, and trapping another.

There were 84 persons employed in the mine when this inundation occurred. Nineteen workmen were working in the West Skidmore South Dip Conveyor Gangway section. Six of these miners in the inundated area escaped safely by traveling up the emergency escapeway to the surface.

Three injured workmen were rescued through this emergency escapeway. All workmen in the other sections of the mine were able to escape unhurt.

The water entered the mine through the mine floor at the low side rib in the gangway between Number 18 Chute

and the face of the gangway. The source of the water was abandoned mine workings adjacent to the West Skidmore South Dip Conveyor Gangway section.

That work developed in the late 1930's and early 1940's, and were never completely surveyed, nor accurately shown in their entirety on mine maps.

Some of these abandoned workings were in the Skidmore Vein underneath the advancing West Skidmore South Dip Conveyor Gangway, and the water that had accumulated in these abandoned workings broke through the floor of the gangway.

The breast-and-pillar system of mining was employed in the West Skidmore South Dip Conveyor Gangway section. The West Skidmore South Dip Conveyor Gangway and the Monkey Airway had been advanced approximately 1,100 feet westerly from the main tunnel.

Coal was mined and worked by advancing and blasting coal and rock off the gangway in the solid. The rock and coal were blasted simultaneously, and then hand-loaded into a conveyor.

Federal and state personnel went to the mine immediately after being notified by the company, and after consultation with company officials proceeded to the affected area through the main tunnel.

They arrived at the counter chute at the entrance of the section, and found it impassable, mainly because the

coal pillar at the counter chute had been largely washed out. The main tunnel near the counter chute was partially filled with coal and debris to a depth of about five feet.

The first rescue crew entering the mine through the main tunnel following the inundation recovered the first body. Orders of withdrawal were issued at approximately 4:30 p.m.

At 4:45 p.m., an exploratory crew traveled to the return escapeway opening and entered the mine in an attempt to locate any missing miners.

Federal and state inspectors were given assignments to insure their presence inside the mine and on the surface during rescue and recovery operations.

As the recovery work progressed, officials of MESA conferred with Walter Vicinelly, Commissioner of Deep Mine Safety, Pennsylvania Department of Environmental Resources, and Leon Richter, Vice President, Kocher Coal Company, concerning the direction of recovery operations. All parties concurred as the plans were being implemented, and also representatives of the miners were kept advised as to these plans.

Rescue and recovery support activities, such as the MESA Mine Emergency Operation Branch, MEO, the Seismic Communications Location System, the MESA Command/Communications Trailer, and the Pennsylvania State Police Command Post, were activated. Early on March 2 the second body was recovered.

On March 2, a decision was made by MESA, state and company officials to drill an exploratory hole from Number 15 Breast to Number 17 Slant Breast.

Workmen had installed an air line for compressed air on March 2, and while awaiting for drill steels, a rapping was heard on the west side rib of Number 15 Breast. The crew determined that the rapping was coming from the Number 17 Slant Breast.

After the drill steels arrived, a small diameter hole about 48 feet in length was drilled through to the slant breast, and voice contact was made with Mr. Ronald Adley.

Mr. Adley said that he was all right, and subsequently, there was a second small diameter hole drilled through the pillar.

A one-inch diameter plastic pipe was installed in this hole at 9:55 p.m. on March 2. Mr. Adley was given nourishment through this pipe.

A third small diameter hole was drilled, and used for the purposes of talking to Mr. Adley while the first hole was enlarged to four inches.

To rescue Mr. Adley in the shortest time possible, MESA, state and company officials decided to drive a rescue tunnel through the coal pillar between Number 15 and Number 17 Slant Breast.

Based on information from Mr. Adley on the conditions

of the slant breast and the physical evidence in the area at Number 15 Breast, a pattern of holes was drilled in the coal, and the coal broken with the aid of a hand-held, air-operated chipping hammer. This method was selected because the use of explosives to blast a tunnel might have caused a pillar run or a fall of coal.

As the tunnel advanced towards Mr. Adley, progress became increasingly difficult. Coal dust concentrations caused by constant drilling and chipping in the confined tunnel area caused discomfort to the rescuers.

Pyrite deposits were frequently encountered, limiting progress to approximately five inches per hour. On the evening of March 5, large concentrations of extremely hard pyrite were encountered, and thus further retarded progress.

At approximately 7:55 a.m., March 6, a chipping hammer was passed through to Mr. Adley so that he could enlarge the tunnel from his end. The tunnel was completed some ten minutes later, allowing Mr. Adley to escape, and he walked with his rescuers to the main tunnel. Later during March 6, two more bodies were recovered.

Rescue and recovery activities in the main tunnel and in the West Skidmore South Dip Conveyor Gangway section had started as soon as the water receded. These activities were not interrupted while the rescue hole for Mr. Adley was

being driven.

Early in the rescue and recovery operations, the drilling of holes into the affected area from the surface was one of the many possibilities considered because the debris laden and damaged condition of the gangway and monkey entry impeded rescue and recovery operations.

MESA, state and company officials decided that the best rescue activity from the surface would be the normal MEO procedure; that is to sink small diameter, in this case eight-inch, probe holes from the surface to locate and perhaps sustain trapped miners while a larger 28-inch diameter hole is drilled for rescue purposes.

The MESA drill rig at Ebensburg, Pennsylvania, was ordered to the site to back up the private contractor's drilling equipment used to sink the probe holes.

The first probe hole was started on March 4. In all, 14 holes were drilled, 11 being completed, the last being completed on March 17.

Fourteen design locations for probe holes to enter the mine were carefully selected. All of the target areas were inaccessible from underground, and all of them were at locations that were believed to be the most conducive for locating survivors or victims and for ascertaining underground conditions.

The underground areas penetrated by the probe holes

were surveyed with a down-the-hole remote intercom TV, and all test results were negative.

The Seismic Communications Location System, which is a listening device used to detect trapped miners, arrived on the site early on March 2, and was operational on March 3.

Prior to the rescue of Mr. Adley, explosive charges were not detonated on the surface as a signal to possible survivors underground to pound, for two reasons: one, Mr. Adley's rescue would have had to be stopped for a quiet period while the seismic tests were conducted; and two, it was not known whether or not explosive charges on the surface would cause roof falls in Mr. Adley's chamber.

At 11:00 a.m. on March 6, promptly after the rescue of Mr. Adley, seismic tests were conducted with negative results.

Recovery progress along the gangway to the face was extremely slow and difficult. Roof supports were dislodged, and in many cases missing. Before the loose coal could be removed from the gangway, the overlying loose coal had to be supported. The last bodies were recovered during March 28 to March 30, after which all recovery work was discontinued.

During investigations after the inundation, test drill holes were found in the Skidmore South Dip Conveyor Gangway section. One of these was a horizontal borehole in advance of the face. Two others were flank holes in the high

side rib.

Borehole testing after the inundation indicated the presence of abandoned workings from 71 feet straight ahead of the face of the gangway, and 21 feet below the gangway. The exact delineation of this void is unknown.

That concludes my comments.

MR. COOK: Thank you, Mr. Shutack.

Would the counsel for Mr. Shutack identify himself for the record, please?

MR. TODD: My name is David Todd. I am an attorney with the Office of the Solicitor, Department of Interior, serving as counsel for MESA.

MR. COOK: Mr. Vicinelly, do you have any questions at this time?

MR. VICINELLY: No.

MR. COOK: Mr. Shober?

MR. SHOBER: No.

MR. COOK: Mr. Strain?

MR. STRAIN: No.

MR. COOK: Mr. Tisdale?

MR. TISDALE: No.

MR. COOK: Mr. Phares?

MR. PHARES: No.

MR. COOK: At this time, Mr. Shutack, you have, I am sure, prepared some exhibits. We would like to have them

entered into the record at this time.

WITNESS SHUTACK: Yes, we have five exhibits prepared, the first being the exhibit to the right, which is a model of the South Dip Skidmore Conveyor Gangway section, at a scale of 20 to 1, which depicts some of the activity conducted in that section.

Exhibit Number 2 that we would like to offer for use is a cross section of the Porter Tunnel Mine.

MR. PHARES: Mr. Shutack, would you explain just very briefly --

WITNESS SHUTACK: This is a cross section of the tunnel depicting the entrance, traveling through 15 coal seams, and it does show the intersection of the South Dip Skidmore Conveyor Gangway section at a point approximately four to five inches from the end of the map for the audience's reference.

MR. PHARES: Mr. DeHaven, could you point that out, please?

(Mr. DeHaven complying.)

WITNESS SHUTACK: This would be the location of the counter chute, which we talked about earlier, of the South Dip Skidmore Conveyor Gangway section.

MR. PHARES: Thank you. I think we might be referring to this exhibit later on. We can just go to the next exhibit now.

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WITNESS SHUTACK: The third exhibit we would like to present we have identified as Number 3, which is an enlargement of the mine map, dated January 17, 1977. This is as received from the company by MESA personnel.

This is a map of the South Dip Skidmore Conveyor Gangway section, showing the detail as required by Section 75.1200.

Exhibit Number 4 shows the location of all drill and flank holes drilled by the company that were observed during recovery operations from inby Number 13 Chute to the face of the gangway where we recovered, and excluding the blockage areas of the monkey so designated on the map.

Exhibit Number 5 shows the shape and configuration of a void that we found. The top view that Mr. Derwood is pointing to is a top or plan view of the void. The bottom view is the side view, which shows the face of the gangway, the number of bore holes drilled, and a shape or configuration of a void some 71 feet straight ahead of the face, and 21 feet below the face of the gangway.

That is all I would like to offer now as exhibits.

(Whereupon, the materials were marked as Panel Exhibit Nos. 1 through 5, for identification.)

MR. PHARES: I have no further questions.

MR. COOK: Mr, Shutack, you are excused now. You may be recalled later for additional questions -- oh, excuse me; we might have a question.

The question, Mr. Shutack, is on the model to our left, the abandoned workings as indicated in advance of the gangway, above and below. We would like you to explain that.

WITNESS SHUTACK: This is a representation of the West Skidmore South Dip Conveyor Gangway section, which depicts that section at a scale of 20 to 1.

It does indicate the 11 bore holes that were drilled to either the monkey or airway sections and gangway sections. It does indicate something which we think is perhaps the old workings in front of the gangway face.

MR. PHARES: Mr. Shutack, do we know for a fact what those old workings look like at this time, or is this just one possibility?

WITNESS SHUTACK: This is an artist's rendition of what we think is one possibility.

MR. COOK: I think, as Mr. Shutack said, it is one of the possibilities. It has not been established as a fact.

That will be a part of our further questioning of witnesses as the hearing goes on.

It will be noted for the record that the company, at this time, has objected to the exhibits. That will be noted for the record.

We have one other question which related to the drilling which will be held and asked later as the testimony

develops. We will hold this question.

There will be other witnesses that MESA will have that will be better prepared to answer this question.

Thank you, Mr. Shutack.

(Witness excused.)

Whereupon,

RONALD ADLEY

having been duly sworn, testified as follows:

MR. PHARES: Will you please state your name and spell it for the record?

WITNESS ADLEY: Ronald Adley, A-d-l-e-y.

MR. PHARES: What is your address?

WITNESS ADLEY: 1528 West Grand Avenue, Tower City.

MR. PHARES: Mr. Adley, before we begin the questioning, I want you to understand that this is a formal investigatory hearing. A written transcript is being made of the statements taken.

You have the right to have counsel present while you are testifying. You may consult with counsel before answering any questions, and you may refuse to answer any question until you have had an opportunity to consult counsel of your choice.

You also have the right not to make any statement which might lead to your conviction of any state or federal offense. You should understand that any statement which you

make can be used against you in any court action arising out of this matter.

If you do not understand a question, you have the right to have it clarified before you give an answer.

Do you understand the rights which I have explained to you?

WITNESS ADLEY: I do.

MR. VICINELLY: Ron, I may use terms that they use in the bituminous coal mines, and if you don't understand me, stop me, and I will try to explain.

On March 1, what was your position?

WITNESS ADLEY: I was driving an air connection from 17 to 19.

MR. VICINELLY: The job title that you had at that time; what was it?

WITNESS ADLEY: I was just a laborer, with the head miner.

MR. VICINELLY: Who was the head miner?

WITNESS ADLEY: Shoffler.

MR. VICINELLY: Shoffler was the head miner?

WITNESS ADLEY: Yes.

MR. VICINELLY: How long have you worked as a laborer?

WITNESS ADLEY: I am not a laborer. I am a miner.

MR. VICINELLY: You are a miner, but you are not the

lead miner?

WITNESS ADLEY: No, I was not the lead miner at that time.

MR. VICINELLY: How long have you been a miner?

WITNESS ADLEY: A long time; ten years.

MR. VICINELLY: How long have you worked in the West Skidmore section?

WITNESS ADLEY: Ever since it started out.

MR. VICINELLY: Approximate time, do you know?

WITNESS ADLEY: I don't know.

MR. VICINELLY: How long have you worked at Porter Tunnel?

WITNESS ADLEY: Just about four years.

MR. VICINELLY: How long have you worked in the anthracite mines?

WITNESS ADLEY: Off and on, I would say about 12 years.

MR. VICINELLY: Who instructed you where you were to work that day?

WITNESS ADLEY: Palmer Merwine.

MR. VICINELLY: Palmer Merwine is who?

WITNESS ADLEY: Foreman.

MR. VICINELLY: What instructions were given, do you recall?

WITNESS ADLEY: To work in 17.

MR. VICINELLY: Were there any other instructions given as pertaining to safety?

WITNESS ADLEY: No. He just told us to drill ahead.

MR. VICINELLY: He instructed you to drill ahead?

WITNESS ADLEY: He always does; "Make sure you drill ahead."

MR. VICINELLY: How long have you worked with the two persons that you were working with in the slant?

WITNESS ADLEY: I couldn't tell you.

MR. VICINELLY: Working in the slant; would they call that a "pitch miner"?

WITNESS ADLEY: I imagine.

MR. VICINELLY: How long have you been a pitch miner?

WITNESS ADLEY: I have been working as a pitch miner off and on in the time that I have been mining.

MR. VICINELLY: On March 1, when you went to work, what was the first thing that you did when you arrived into the working place?

WITNESS ADLEY: The first thing we did was ate, and then we got our instructions -- well, I got my instructions to go to work.

MR. VICINELLY: Did you examine the working place?

WITNESS ADLEY: Of course.

MR. VICINELLY: What were the conditions?

WITNESS ADLEY: Good conditions.

MR. VICINELLY: Had examination been made of the working place by the mine examiner?

WITNESS ADLEY: Yes, sir.

MR. VICINELLY: How did you determine that?

WITNESS ADLEY: He always puts his mark on.

MR. VICINELLY: When you say "mark," could you explain that, please?

WITNESS ADLEY: He puts the date up, and that he was there.

MR. VICINELLY: Did you talk to anyone else about the area before you went underground, talk about the working place?

WITNESS ADLEY: No, sir.

MR. VICINELLY: What work was performed before the break-in, Ron?

WITNESS ADLEY: Before the water broke?

MR. VICINELLY: Yes.

WITNESS ADLEY: Well, we were working our slant.

MR. VICINELLY: Can you explain, when you say "working your slant," some of the things that you did?

WITNESS ADLEY: Well, we were drilling ahead; and the last thing I remember doing, we fired a plugger. There was some rock hanging and some coal, and we fired a plugger

down, and then we went down to eat.

MR. VICINELLY: What is a plugger?

WITNESS ADLEY: It is just a short hole, like, if you have a top coal hanging, or anything hanging that is in your road, you just put a short piece of powder in it, and blow it down.

MR. VICINELLY: Would you give a brief description of your blasting procedures?

WITNESS ADLEY: What do you mean by --

MR. VICINELLY: Well, before you blast a shot, you go in and prepare to blast, what do you do?

WITNESS ADLEY: Well, we make sure that there is nobody else around. We check everybody else, and then we holler "Fire" about three times before we fire.

MR. VICINELLY: Do you put explosives in a hole, in a number of holes that were drilled, do you recall?

WITNESS ADLEY: Just one hole, the plugger hole.

MR. VICINELLY: All right. But, prior to that plugger hole, were there holes fired?

WITNESS ADLEY: I don't remember.

MR. VICINELLY: Were gas tests made before the holes were blasted?

WITNESS ADLEY: Yes, sir.

MR. VICINELLY: By whom?

WITNESS ADLEY: By Mr. Shoffler.

MR. VICINELLY: How were they made? What instrument?

WITNESS ADLEY: With a safety lamp.

MR. VICINELLY: You don't recall how many holes were blasted other than the top hole that you talked about, the plugger hole?

WITNESS ADLEY: No, I don't. I don't remember.

MR. VICINELLY: On a normal workday, how many cuts do you blast?

WITNESS ADLEY: Usually only one that we do.

MR. VICINELLY: Was there anyone else blasting?

WITNESS ADLEY: I don't remember.

MR. VICINELLY: Well, was blasting coordinated between the persons working in the other headings, the gangway and monkey?

WITNESS ADLEY: I don't remember that.

MR. VICINELLY: Do you recall waiting before you did any blasting for other people to prepare to blast?

WITNESS ADLEY: We didn't wait, no. We tamped our hole, and then we went down in the monkey, and made sure everybody was out of the road.

Like I said, then we got ready to fire.

MR. VICINELLY: When you went down to the monkey, Ron, did you see any of the other miners, or did you talk to any other miners?

WITNESS ADLEY: No, I didn't talk to any, but I saw

that they were working over at the monkey.

MR. VICINELLY: They were working at the face of the monkey?

WITNESS ADLEY: Yes.

MR. VICINELLY: Do you know who the other miners were that were working up in the monkey?

WITNESS ADLEY: I know them, but I just can't think of their names right now.

MR. VICINELLY: Did you ever drill test holes?

WITNESS ADLEY: Yes, I did.

MR. VICINELLY: On a cut, how many did you normally drill?

WITNESS ADLEY: About three.

MR. VICINELLY: How deep were they?

WITNESS ADLEY: We used to drill 26 feet.

MR. VICINELLY: These three holes, where were they drilled?

WITNESS ADLEY: Well, we used to -- it all depends where you are working; if you are working in the breast or the slant, or it all depends.

If you are working in the breast, you would drill two flank holes, and one up through the center; ahead. And the same way when you are working the slant. You drill one on a 45 degree angle up, one straight in, and one pitch down over that.

MR. VICINELLY: From the time that you started to work in the Skidmore, do you recall when you first started drilling test holes?

WITNESS ADLEY: I believe it was Number 8 or 9; I don't know for sure.

MR. VICINELLY: Why did you have to drill test holes?

WITNESS ADLEY: For water.

MR. VICINELLY: Can you explain that a little bit? When you say "for water, " I can understand it, but I want to be sure that everybody else understands it.

WITNESS ADLEY: That is to make sure that there is no water down there.

MR. VICINELLY: Where would the water be, or where would it come from?

WITNESS ADLEY: From old workings.

MR. VICINELLY: Did you ever encounter problems while drilling test holes?

WITNESS ADLEY: Oh, yes. A lot of times, the steel stuck in there. But, that was all.

MR. VICINELLY: And when the steel stuck, what would you do?

WITNESS ADLEY: We would get a pipe wrench, and turn it the opposite way around to get it back out.

MR. VICINELLY: After you got it out, then what would you do?

WITNESS ADLEY: Then we proceeded drilling the hole again.

MR. VICINELLY: Do you think it is important to drill test holes, and if so, why?

WITNESS ADLEY: Why, yes, it is important, for the simple reason of the old workings around.

MR. VICINELLY: Do you have any knowledge of anybody else drilling test holes?

WITNESS ADLEY: Yes, I do. Everybody does.

MR. VICINELLY: Did you observe them drilling test holes?

WITNESS ADLEY: Yes, sir.

MR. VICINELLY: Do you know the pattern that they were drilling if you observed them?

WITNESS ADLEY: Yes.

MR. VICINELLY: Would you explain that to us?

WITNESS ADLEY: Like I told you before, it is on a 45 degree angle pitched up; one straight in and one down.

MR. VICINELLY: Ron, did you observe them drilling test holes in the monkey heading?

WITNESS ADLEY: I never worked in the monkey that I can recall.

MR. VICINELLY: Did you observe them drilling test holes in the gangway?

WITNESS ADLEY: Yes, sir.

MR. VICINELLY: Again, how were the test holes drilled in the gangway when you observed them?

WITNESS ADLEY: One up,straight in, and one down.

MR. VICINELLY: When you say "one up or one down," I understand, but will you explain that, what you mean by "one up and one down"?

WITNESS ADLEY: Usually, on a 45 degree angle up, one straight in, and a 45 down.

MR. VICINELLY: Are you saying in the right flank and in the left flank; am I correct in using those terms?

WITNESS ADLEY: The high rib on a 45, straight in, and on a 45 going down.

MR. VICINELLY: During the time that you were working in the Skidmore, did you ever tap any water off?

WITNESS ADLEY: Yes, I did.

MR. VICINELLY: Do you recall where that was?

WITNESS ADLEY: I don't recall the chute, no.

MR. VICINELLY: Could you explain what the procedure was in tapping water off?

WITNESS ADLEY: Again, we are drilling ahead, and just taking your time, and tapping it; that was it.

MR. VICINELLY: When you drilled the hole through and tapped the water, drilled into the water or into the void, then what did you do?

WITNESS ADLEY: Then you let the other guys know if

you are going -- if you're even coming close to that, you can tell; it is getting wet.

You don't go through with it until you tell everybody else.

MR. VICINELLY: What would you tell everybody else?

WITNESS ADLEY: That we are going to get the water. And we either told them to go out the gangway until we had the hole through --

MR. VICINELLY: Would you repeat that again, what action was taken once you notified them?

WITNESS ADLEY: After we notified the men, and made sure they were out of that district, then we proceeded drilling the hole to tap the water.

MR. VICINELLY: How long of a period of time when you tapped the water did it take to drain it off?

WITNESS ADLEY: Maybe a day; sometimes more.

MR. VICINELLY: How did you determine that the water was tapped off, or all drilled out?

WITNESS ADLEY: Well, the foreman checked it.

MR. VICINELLY: Do you know how he checked it?

WITNESS ADLEY: Yes. He went up and checked it.

MR. VICINELLY: But, you don't know yourself exactly what you do to check a hole that is dry, that has been drained off?

WITNESS ADLEY: Well, sure. Then we drilled more

holes to make sure that it was drained off.

MR. VICINELLY: Were there any instructions given to you in tapping the water off?

WITNESS ADLEY: Yes, sir.

MR. VICINELLY: Would you tell us what they were?

WITNESS ADLEY: Well, I never had -- I never drilled for water, and the foreman explained it to us, how to go about it; to always drill ahead.

He said, "When your hole gets damp, you are close to water. Then what you should do is let me know before going through, and tell all the rest of the men."

MR. VICINELLY: Who generally gave these instructions?

WITNESS ADLEY: Palmer Merwine.

MR. VICINELLY: And Palmer Merwine is who?

WITNESS ADLEY: He is the foreman of that end.

MR. VICINELLY: Did anybody else talk to you about the water other than the section foreman?

WITNESS ADLEY: No.

MR. VICINELLY: During the time that you were working in the slant chute, did you encounter water in your drill holes?

WITNESS ADLEY: No.

MR. VICINELLY: Did you encounter any water in the slant chute other than from your drill holes?

WITNESS ADLEY: Yes; drippings of water, yes, sir.

MR. VICINELLY: From the time that you started to work in the slant chute, did the conditions change from dry to wet, or from wet to dry?

WITNESS ADLEY: No. It was usually damp all the way through.

MR. VICINELLY: Do you have any knowledge of anyone else encountering water during the time that you were working the slant chute -- and first, I am referring to test holes?

WITNESS ADLEY: Not right offhand, I really can't think of anyone.

MR. VICINELLY: Do you have knowledge that the working places referred to as the monkey and the gangway; were they normally wet, compared to the slant chute?

WITNESS ADLEY: No, not usually.

MR. VICINELLY: Do you know if the slant chute had more water in it -- when I say "water," I am talking about the drippings that you referred to -- than there was in the monkey or the gangway?

WITNESS ADLEY: Yes.

MR. VICINELLY: The slant had more water?

WITNESS ADLEY: Yes.

MR. VICINELLY: Ron, prior to the breakthrough on March 1, had you talked to any of the miners in the gangway or the monkey?

WITNESS ADLEY: No.

MR. VICINELLY: Had you talked to them prior to the start of the shift?

WITNESS ADLEY: I don't remember that. I lost that.

MR. VICINELLY: Ron, would you give us a brief description of what took place on March 1, and if you can recall, from the time that you went to work until you were finally recovered?

WITNESS ADLEY: Well, I cannot recall going to work that day. I can't recall anything I said that day. The only thing that I remember is when we drilled that plugger, and went down the monkey, fired it, and we ate, and we went back up.

We got back up to the top of the manway, up on the slant, and smoke wasn't quite out yet, so we waited a couple of seconds, and then this is when the air came. We heard that air.

Then, we stood there for a couple seconds, and then right on behind me, I saw the water coming out of the monkey. I mean, it was some air.

So, we just watched for a couple of seconds. It more or less stunned us. Then, we saw the water starting to back up our chute. That is when I hollered, "Jump for the high rib." And that quick, it was on us.

I no sooner got it out of my mouth, and it hit. All

I remember is being tossed around, thrown into the ribs, and stuff.

It just about got me. I was out of air. I caught myself taking water, and shook it off. I tried to hold a little longer, and it finally went down.

Afterwards, I had no light. It was caught down in the lumps, coal lumps. But, then I saw a light shining, so I took my battery off to get away there, and I went over, and that is when I saw the head piece laying there with the light shining.

So, I picked it up, and I shined it, and there was one of my buddies laying. So, I checked him out, and he was dead.

So, I took his light off of his belt. All this time, the coal was falling above me. I put his light on. I was shining around for my other buddy, and I couldn't find him.

The coal was still falling, so I had to sneak out of there, because everything was so loose. Then, I started going up the slant, and I finally got up the slant.

I just sat there for a second, wondering what happened, trying to get my bearings. I finally did. I felt some air coming up through.

So, then I went to check it out, to see where the air was coming from, because I figured that if there was air coming through, there might be just enough for me to get out, to

check things out.

So, I did. I went back down, and there was a hole just big enough for me to go through. So, I went through the hole, and out. When I went out there -- it was a big open space with coal falling all around the place.

So, I went checking, and I started hollering for the men and that, you know, and I didn't get no answer, so I went both ways. I went out through, part way, as far as I could go, and then I couldn't go no further because the coal was falling behind me and in front of me.

So, then I got back. I backed up, and I started going the other way, and I couldn't go too far because the coal was falling. The pillars were taking off.

I don't know what ever told me to go back in the hole, but as soon as I got back in the hole, then the coal fell above the hole, and sheared the hole off.

I went back up the slant again. While I was up in there for a couple seconds, then the top started working where I was at. The coal was still falling.

So, I got myself up to the face of the slant, and stayed up there. I was up there for I don't know how long; I must have went to sleep.

Then, I guess it was that night or something when I heard some tapping, some sort of tapping. So, then I started tapping back, and then I got response from them again.

MR. VICINELLY: Had you done any tapping prior to hearing the tapping that you heard?

WITNESS ADLEY: Yes, I did.

MR. VICINELLY: But, that is the first time that you heard a response?

WITNESS ADLEY: Yes.

MR. VICINELLY: When you said that "we were together," do you recall how far down the slant you were in approximate distance?

WITNESS ADLEY: Down the slant?

MR. VICINELLY: Yes. You said, "When the air came to me, we were together."

WITNESS ADLEY: We were standing on top of the manway of 17. That is on the bottom of the slant. We were standing right on behind each other.

I was first. Renninger was second. Shoffler was behind Renninger, right on top. Like I said, it came that fast. We didn't have a chance.

MR. VICINELLY: Were you able to run up there, move up there, or did the water bring you up?

WITNESS ADLEY: When I jumped the water hit me that quick. That is a fact.

MR. VICINELLY: Ron, on a normal workday, how often do you see the foreman?

WITNESS ADLEY: Twice. Sometimes, three times. It

depends.

MR. COOK: Just for the record, Mr. Adley, I think I misunderstood you at the beginning. You said you were working in Number 17 Slant Chute, going to 19, I believe you said.

WITNESS ADLEY: Yes.

MR. COOK: Would that have been 15, for the record, or was that 19?

WITNESS ADLEY: 15.

MR. COOK: I may have misunderstood you.

WITNESS ADLEY: I am sorry about that.

MR. COOK: If I was to ask a question that Mr. Vicinelly -- I'm not trying to check your answer --

WITNESS ADLEY: That is all right.

MR. COOK: I have something that I wasn't quite sure about. When you went into your working place, did you find test holes that had been drilled in your working place that morning?

WITNESS ADLEY: I believe we did.

MR. COOK: And where were these holes drilled?

WITNESS ADLEY: Up in the slant, the face of the slant.

MR. COOK: Were any drilled into the rib?

WITNESS ADLEY: Into the rib? Yes.

MR. COOK: In your work, Mr. Adley, do you have

evacuation drills at the mine?

WITNESS ADLEY: Yes. We had them since I was there, yes.

MR. COOK: Who normally conducts safety training at the mine?

WITNESS ADLEY: To show us the way out?

MR. COOK: Well, that type of thing; also, check for methane, the use of a self-rescuer; those types of training. Who normally does that?

WITNESS ADLEY: The foreman.

MR. COOK: The foreman?

WITNESS ADLEY: Yes.

MR. COOK: The section foreman?

WITNESS ADLEY: Yes, and the mine inspector. We have a refresher course.

MR. COOK: Do you recall when a federal or a state mine inspector was last in your working place?

WITNESS ADLEY: No, I don't recall.

MR. COOK: I guess in conclusion, Mr. Adley, looking back on this accident, what would be, in your mind, a way that we could defend or prevent a reoccurrence of this kind of accident?

WITNESS ADLEY: To prevent it?

MR. COOK: Yes; prevent a reoccurrence of something similar.

WITNESS ADLEY: I don't know. My opinion of it is, the whole thing was a freak accident to begin with. That is my whole opinion of it, because if I didn't think that, I wouldn't be back there now.

MR. COOK: I just wondered if you had any suggestions.

WITNESS ADLEY: No, I don't.

MR. COOK: At the time of the in-rush of water, did you have any idea of where the water might have come from at that time?

WITNESS ADLEY: No, sir.

MR. COOK: When the in-rush occurred, were you in the monkey airway at that time?

WITNESS ADLEY: I was up in the manway.

MR. COOK: You were up in the manway. You were climbing back up into your working place?

WITNESS ADLEY: Yes.

MR. COOK: So, you really couldn't see the face of the monkey airway at the time?

WITNESS ADLEY: No.

MR. VICINELLY: Jack, do you have any questions?

MR. TISDALE: Mr. Adley, I hope that I don't repeat any questions either. I appreciate your willingness to answer them.

What I am wondering is: did you have discussions with the foreman, or with any of your supervisors, on the

possibility of abandoned workings ahead of the working places, the monkey and the gangway?

WITNESS ADLEY: No.

MR. TISDALE: Had anybody shown you the line map and the extent of the abandoned workings that might have been ahead?

WITNESS ADLEY: They told us about it, yes. They told us that we were going to run into some water. That is why we were drilling.

MR. TISDALE: And had the drilling program been explained to you as to why the holes were to be drilled ahead, and how deep you were to drill them?

WITNESS ADLEY: Yes, sir.

MR. TISDALE: I think you have stated before that the drilling program, as you understood it, was followed.

WITNESS ADLEY: Yes.

MR. TISDALE: Did anybody explain to you the requirements of the state and federal regulations as they pertain to drilling ahead?

WITNESS ADLEY: Well, I think it was 20 feet that they said we had to drill. They told us to drill 26 feet.

MR. TISDALE: I think you stated that you have been trained in the escape procedures.

WITNESS ADLEY: Yes, we have been trained. They took us through a passageway a couple of times.

MR. TISDALE: One thing I would like to ask you: what are the duties of a lead miner?

WITNESS ADLEY: The duties of a lead miner? To make sure that the place is safe, and if anything occurs, never push a laborer or a miner on behind you, to go ahead and do your job. You must make the place safe.

If there is anybody who can't get it safe, then you have to get your men down out of there, and get your foreman there.

MR. TISDALE: So, he is more or less responsible for the work that goes on in that place?

WITNESS ADLEY: The lead miner.

MR. TISDALE: Is that what you are saying?

WITNESS ADLEY: That is right.

MR. TISDALE: Now, I don't remember whether you said that you worked in the gangway or not.

WITNESS ADLEY: I worked in the gangway off and on, helped them clean the rock and that up.

MR. TISDALE: But, not drilling and blasting on the face of the gangway?

WITNESS ADLEY: I think one time I remember that, if I recall. But, then, all we had to do was drill the cut up. The long holes were already drilled.

MR. TISDALE: Did the lead miner in your working place have a methane detector?

WITNESS ADLEY: Safety lamp.

MR. TISDALE: Did you work in the area of Number 8 Chute last summer when some water was drained from it, or do you recall?

WITNESS ADLEY: I probably did work around there; I probably did. I might have even worked up in it.

MR. TISDALE: Do you recall anything about draining the water from Number 8 Chute?

WITNESS ADLEY: I don't remember if it was 18. I think it was.

MR. TISDALE: I am saying Number 8.

WITNESS ADLEY: I think I was on the second shift. I don't remember for sure, but I think so; that I was on second shift at the time, and they had already drilled through the water.

They were tapping water, and I went up to drill one alongside of the rib of the manway to run the course of the water down through the manway side.

MR. TISDALE: Did that water have much head on it?

WITNESS ADLEY: No.

MR. TISDALE: Do you remember last winter any water being drained from Chute Number 12 or Number 13?

WITNESS ADLEY: No, I don't remember.

MR. TISDALE: I don't think I have anymore questions.

MR. VICINELLY: Mr. Phares?

MR. PHARES: Mr. Adley, you testified about the test holes that were drilled. Did any section foreman, to your knowledge, check the depth of those holes at any time?

WITNESS ADLEY: What time are you talking about?

MR. PHARES: Was it your observation that this was the normal practice of the section foreman as part of their duties to check those holes?

WITNESS ADLEY: Oh, yes.

MR. PHARES: Did they, in fact, check how deep they were?

WITNESS ADLEY: I have seen them do it already, yes.

MR. PHARES: How did they do that?

WITNESS ADLEY: He usually runs plastic in, and then measures it, or something.

MR. PHARES: Did you ever observe any section foreman warning anybody that they were not drilling test holes deep enough?

WITNESS ADLEY: No.

MR. PHARES: So, all the times that you saw the holes being checked, they were being drilled deep enough?

WITNESS ADLEY: Yes.

MR. PHARES: Correct me if I am wrong, but I believe you stated that you did observe some test holes being drilled in the gangway.

WITNESS ADLEY: Yes.

MR. PHARES: Would that be in the West Skidmore Gangway?

WITNESS ADLEY: Yes.

MR. PHARES: Where exactly were those drills, if you remember?

WITNESS ADLEY: There was one drilled up the pitch on a 45 degree angle, one straight in, and one down.

MR. PHARES: What chute area would this be?

WITNESS ADLEY: I don't remember that.

MR. PHARES: Do you remember who was doing the drilling?

WITNESS ADLEY: No, I don't.

MR. PHARES: You don't remember anything about it, other than you remember --

WITNESS ADLEY: I remember that I saw them drilling the down hole.

MR. PHARES: Do you have anything else at all to add to your testimony that might be relevant?

WITNESS ADLEY: No, sir.

MR. SHOBER: Mr. Adley, I don't want to repeat this question if it has been asked before, but what were the conditions of the coal face,Number 17 East Land Chute,on the day that the accident occurred?

In other words, was it wet, damp, dry?

WITNESS ADLEY: The face was not wet, no.

MR. SHOBER: On that same day, Mr. Adley, did you

notice what the condition of the face of the gangway was?

WITNESS ADLEY: No, sir.

MR. SHOBER: Did you work in Number 16 Chute?

WITNESS ADLEY: I don't remember if I did or not.

MR. SHOBER: That is all the questions I have.

MR. VICINELLY: Dennis?

MR. STRAIN: Mr. Adley, first could you describe what the general blasting procedures are for working in your mine, and start with who would be the one who would set the charge, and how deep would he drill those holes, and when would you drill the test holes, and just explain that procedure.

WITNESS ADLEY: You want to know the procedure from the time we are going to start to drill, to fire?

MR. STRAIN: Yes.

WITNESS ADLEY: First of all, you drill your test hole.

MR. STRAIN: How deep is that?

WITNESS ADLEY: 26 feet we usually go. If it runs into any dampness, we drill them further. We already have drilled 50 feet ahead.

After you have your test holes drilled and timbered, then you drill your cut, and it is usually a six-foot cut.

MR. STRAIN: How long would it take you to drill the test holes?

WITNESS ADLEY: That depends. Sometimes, you have a

lot of problems, if steels stick; stuff like that. There is no time limit set on that.

MR. STRAIN: What would be the shortest period of time it would take?

WITNESS ADLEY: It may take an hour and a half.

MR. STRAIN: And the longest period?

WITNESS ADLEY: It could take a day.

MR. STRAIN: Who would be the person who did the drilling?

WITNESS ADLEY: Well, like I said, the lead miner always sets the hole, where to drill.

MR. STRAIN: Does he do the actual drilling, or does he mark --

WITNESS ADLEY: He drills, too. We all do. You have to do it to understand it.

MR. STRAIN: What equipment do you use when you do the drilling?

WITNESS ADLEY: An air drill and steels.

MR. STRAIN: Do you use the same equipment for setting your blast holes?

WITNESS ADLEY: No. We use a bigger drill to drill our long hole, and a small air drill to drill our cut.

MR. STRAIN: After you encountered water in the summer, were you still concerned about finding water in abandoned workings after that time?

WITNESS ADLEY: Oh, naturally.

MR. STRAIN: When you say "concerned" -- I mean, were the people in the mine worried about the water, or was this something that you normally encountered during mining?

WITNESS ADLEY: Well, we knew that there was water there. Everybody knew that. That is why we were always drilling ahead and tapping; to find it before it finds us.

MR. STRAIN: Did you think the water might be a hazard? Did you think the water could ever be as bad as it was when it came in?

WITNESS ADLEY: Do you mean, do I think it could happen again?

MR. STRAIN: Well, were you concerned about the water all the time, or do you realize now that water is a much greater hazard?

WITNESS ADLEY: I knew that water was the worst thing a miner or anybody can find underground. It is very destructive. This I knew.

MR. STRAIN: How did you know that?

WITNESS ADLEY: You see a lot of stuff about it, pictures, television, the weight of the water, the pressure of the water.

MR. STRAIN: Did your section foreman ever tell you that?

WITNESS ADLEY: Yes. He told us about water, and

the force that it has.

MR. STRAIN: About the other persons you were working with; do you think they were concerned about water also?

WITNESS ADLEY: The same as I was.

MR. STRAIN: Going back to March 1, just before the water came in, you said that the first thing you felt was a rush of air. Was it a lot of air? Did it just about knock you over?

WITNESS ADLEY: Yes, it did; more air than I have ever seen in my life. I saw timber flying out of that monkey, and everything.

MR. STRAIN: Did you hear any noise beforehand, any kind of shout or --

WITNESS ADLEY: No, I didn't.

MR. STRAIN: The only warning was that air?

WITNESS ADLEY: Just that air; that is all we heard.

MR. STRAIN: That at the same time was followed by a lot of debris and timber?

WITNESS ADLEY: Yes. It was throwing timber while it was blowing. It whistled through.

MR. STRAIN: How frequently would the section foreman come by, say, during the course of a normal day?

WITNESS ADLEY: Usually twice; sometimes three times.

MR. STRAIN: And what would he do? Would he make

an examination at that time?

WITNESS ADLEY: Oh, sure. He usually checks our long holes to see if everything is safe for timbering it right; things like that.

If we have any questions, we ask him, or if he can help us in any way.

MR. STRAIN: During your normal blasting procedures, did you blast separate from other sections, or did you ever blast in coordination with other sections?

WITNESS ADLEY: What is this again?

MR. STRAIN: When you were blasting, would there be other working place sections that would be blasting at the same time that you would be?

WITNESS ADLEY: Sometimes.

MR. STRAIN: Do you ever do that together, or do you do it independent of each other?

WITNESS ADLEY: It depends. It is hard to say.

MR. STRAIN: So, sometimes, you would just do it without regard to the others, and sometimes --

WITNESS ADLEY: What do you mean? Without letting everybody know?

MR. STRAIN: No. I mean would you ever at any time wait to blast, hold out your shot until somebody else got ready to blast theirs?

WITNESS ADLEY: Oh, yes.

MR. STRAIN: Who would be the person who would coordinate that?

WITNESS ADLEY: The head miner.

MR. STRAIN: Who would the head miner be?

WITNESS ADLEY: Myself or either the one that was on -- Shoffler was the head miner before when we were working the slant.

MR. STRAIN: That is all the questions I have.

MR. VICINELLY: I have about four or five questions here from the audience I would like to ask.

Did Palmer Merwine go in and check if everything was all right before the miners entered on March 1?

WITNESS ADLEY: Yes, sir.

MR. VICINELLY: Does he check for gas and water -- does he check for water and gas before the miner enters in the tunnel?

WITNESS ADLEY: Yes, sir.

MR. VICINELLY: Did you measure the depth of the test holes?

WITNESS ADLEY: At what time?

MR. VICINELLY: At your working place when you were drilling, I guess.

WITNESS ADLEY: Yes, sir.

MR. VICINELLY: How did you measure the depth?

WITNESS ADLEY: The amount of steels we used;

six foot steels, four foot steels.

MR. VICINELLY: What is the spacing of the rib holes?

WITNESS ADLEY: There again, it all depends on how wide you have your breast or slant. It could be within five feet, or when you are wringing them out, it is more. It could be 15 feet or 20 feet.

MR. VICINELLY: Prior to blasting -- this is not on here, but I am asking this -- prior to blasting or when starting a new face cut or new blast procedure, did you drill test holes on every cut that was blasted?

WITNESS ADLEY: Yes, sir.

MR. VICINELLY: And the distance of that cut is what?

WITNESS ADLEY: Six feet.

MR. VICINELLY: Six feet. So, then test holes would be approximately six feet, the spacings on your rib holes?

WITNESS ADLEY: What?

MR. VICINELLY: Do you know what the spacings from -- the size cut that you take, I understand it to mean that the spacings between your rib holes would be approximately six feet.

WITNESS ADLEY: About that.

MR. VICINELLY: Did you have the occasion to complain to the foreman regarding the manner in which the

test holes were not being drilled?

WITNESS ADLEY: No.

MR. VICINELLY: We have a question here. Maybe you can clear it for us. If Adley and the other two miners were at the top of the slant, could Adley be at the manway at the same time, at the manway at the top of the slant the same?

WITNESS ADLEY: Say that again.

MR. VICINELLY: I guess the question is: is the manway -- the first question that I think you want to clear: is the manway at the top of the slant?

WITNESS ADLEY: The manway is the traveling up along the chute.

MR. VICINELLY: So, the manway and the slant are not the same?

WITNESS ADLEY: No.

MR. VICINELLY: Why were you drilling down when heading towards Number 15 Breast? You were driving Number 16 Slant, you were drilling down towards 15. Could you tell us why you were drilling those holes?

WITNESS ADLEY: Well, sure; just in case we hit water.

MR. VICINELLY: We have a similar question. If going towards the 15 Breast, the gangway is below, why were you drilling?

WITNESS ADLEY: For water.

MR. VICINELLY: Does anybody else have any questions?

(No response.)

MR. VICINELLY: Ron, thank you.

(Witness excused.)

MR. COOK: At this time, we would like to take a 15 minute break. We will reconvene at 11:00.

(Recess.)

MR. COOK: The hearing will resume now with the call of Mr. Bruce Smith, please.

Whereupon,

BRUCE SMITH

having been duly sworn, testified as follows:

MR. PHARES: Please state your name and spell it.

WITNESS SMITH: Bruce Smith, S-m-i-t-h.

MR. PHARES: What is your address?

WITNESS SMITH: 634 East Main, Hegins.

MR. PHARES: Mr. Smith, before we begin the questioning, I want you to understand that this is a formal investigatory hearing. A written transcript is being made of the statements taken.

You have the right to have counsel present while you are testifying. You may consult with counsel before answering any question, and you may refuse to answer any question until you have had an opportunity to consult with counsel of your choice.

You also have the right not to make any statement which might lead to your conviction of any state or federal offense.

You should understand that any statement which you make can be used against you in any court action arising out of this matter.

If you do not understand a question, you have the right to have it clarified before you give an answer.

Do you understand the rights which I have just explained to you?

WITNESS SMITH: Yes.

MR. COOK: Mr. Smith, what is your occupation at the Porter Tunnel Mine?

WITNESS SMITH: I am a laborer.

MR. COOK: How long have you been employed at the mine?

WITNESS SMITH: Almost two years.

MR. COOK: What time did you report to work on March 1, 1977? That was the day of the accident.

WITNESS SMITH: About 5:00.

MR. COOK: Where were you assigned to work on that day?

WITNESS SMITH: On the second conveyor.

MR. COOK: Let's see; the second conveyor in the West Skidmore section?

WITNESS SMITH: Yes.

MR. COOK: What were your duties there at that station, Mr. Smith?

WITNESS SMITH: Just run the conveyor, make sure that the coal goes on the other conveyor.

MR. COOK: Do you have trouble with coal spillage at those points?

WITNESS SMITH: Yes, sometimes.

MR. COOK: What time did you enter the West Skidmore Gangway section on March 1?

WITNESS SMITH: About a quarter until six.

MR. COOK: Was there anyone working with you at that time?

WITNESS SMITH: At the time that it happened?

MR. COOK: At the beginning of the shift -- did you work by yourself?

WITNESS SMITH: Yes, I was there by myself.

MR. COOK: Who gave you your instructions at the beginning of the shift of what you were to do?

WITNESS SMITH: My foreman, Palmer Merwine.

MR. COOK: Did you have any special instructions on this particular morning?

WITNESS SMITH: No.

MR. COOK: Did you ever have an occasion to work in the face areas?

WITNESS SMITH: Yes, I have already.

MR. COOK: You have worked in the face of the gangway. For example?

WITNESS SMITH: Just to help clean out, or something like that, if someone wasn't there.

MR. COOK: Did you ever have occasion to drill test holes?

WITNESS SMITH: I have already, yes.

MR. COOK: Had you been given instructions on how to drill test holes?

WITNESS SMITH: Yes.

MR. COOK: Could you repeat those instructions, please?

WITNESS SMITH: For where? In the gangway, or anyplace?

MR. COOK: Let's take the gangway, for example.

WITNESS SMITH: Well, we were supposed to drill four holes, if possible, 26 feet, two in each rib, one straight ahead, and one down.

MR. COOK: Two in each rib, and one straight?

WITNESS SMITH: One in each rib.

MR. COOK: The high rib and low rib sides?

WITNESS SMITH: Yes; one straight in and one down on an angle, 26 feet.

MR. COOK: Tell me, what was the spacing between the

rib holes?

WITNESS SMITH: What do you mean?

MR. COOK: The spacing between the one hole and the next hole that you would drill in the rib. Say you drilled one in the high rib side. Now where would you drill your next one? How many feet inby there?

WITNESS SMITH: I still don't understand.

MR. COOK: I was thinking of the spacing of the rib holes. How far apart are they?

WITNESS SMITH: I couldn't tell you, really.

MR. COOK: If you drill a rib hole, and you test for abandoned workings by drilling a hole, then when would you drill the next hole on that same rib side? How far inby?

WITNESS SMITH: After you take the six foot cut?

MR. COOK: After you take the six foot cut -- you were in the monkey airways on occasion?

WITNESS SMITH: Yes.

MR. COOK: Did you observe people drilling test holes in the gangway and the monkey airway when you were in these areas?

WITNESS SMITH: Yes.

MR. COOK: What patterns were they following?

WITNESS SMITH: In the monkey?

MR. COOK: In the monkey, for example.

WITNESS SMITH: They were supposed to drill all four

ways to, again, 26 feet.

MR. COOK: How did the company relate to you the drilling patterns? Was that verbally, or did they have a plan that they showed you or a map, or how did they do that?

WITNESS SMITH: They had went and told us that every time that they fire a plug, before you drill up the next one, you had to go and drill those four holes in first, and check for water for safety.

MR. COOK: How long have you worked in the West Skidmore Gangway section?

WITNESS SMITH: Ever since I started.

MR. COOK: When did you first become aware that there were old works in advance of the West Skidmore Gangway section?

WITNESS SMITH: When we were told.

MR. COOK: Do you remember about where that would be, say, 4 Chute, 8 Chute, 12 Chute? Was there any particular place that you recall when you were told?

WITNESS SMITH: We go on about -- I believe -- I'm not positive anymore -- I think it was the third or fourth one. We were told about it; that we were supposed to hit it in around Number 10, but then we hit it at Number 8 Chute.

MR. COOK: You hit the old works in Number 8 Chute?

WITNESS SMITH: Yes.

MR. COOK: Where were you working at the time they cut into the old works at Number 8 Chute?

WITNESS SMITH: I think I was working up in the breast.

MR. COOK: Up in Number 8 breast?

WITNESS SMITH: No; in Number 7.

MR. COOK: In Number 7. When you were working in Number 7 breast, were you drilling test holes at that time?

WITNESS SMITH: Yes.

MR. COOK: When you were working in the face areas, gangway, monkey way, breast, did the foreman visit your working place during the day?

WITNESS SMITH: Yes.

MR. COOK: Normally, how many times did he visit your working place?

WITNESS SMITH: Sometimes two, sometimes three times a day.

MR. COOK: What would he do when he would visit the working place?

WITNESS SMITH: He would come in, check if everything was all right, check if you were drilling your holes, and just see, you know, how you were doing with the stuff.

MR. COOK: Do you ever recall having gone into a working place, and the test holes were not drilled?

WITNESS SMITH: No.

MR. COOK: On this particular day of the accident, did you have an occasion to talk to the foreman of the section

on that day?

WITNESS SMITH: Yes; before we came up in.

MR. COOK: Had he visited the section -- had he visited your work place on the day of the accident where you were working?

WITNESS SMITH: He came up early in the morning, you know, to test for gas and everything, and then, I believe he was -- either he was out that day before, or else it was just about time for him to come up. He usually had, you know, scheduled times that he was going to be up in there.

MR. COOK: Would you describe for us, please, what you were doing at the time of the accident when the water came through?

WITNESS SMITH: All I can say is running conveyor.

MR. COOK: You were there at the Number 2 head piece?

WITNESS SMITH: I was at Number 2 head piece, and that was in that Number 12 Chute.

MR. COOK: Could you just relate them for us, please, for the record, what happened from the moment you first knew something was wrong until you arrived outside?

WITNESS SMITH: Well, I felt a big gush of wind behind my back. That was the first warning that it happened, you know, and then I didn't know at first, you know -- I never imagined that it could have broke through then.

I thought an air line had broke off behind me. I was going to walk back, but instead, I walked forward to Number 11 Chute. I don't know why.

Then, by the time I turned around, I saw the water coming. It was picking up the second conveyor, and moving it out towards me. So, I knew the other guy, you know, at Number 1 wouldn't be able to hear. Maybe he would get caught.

So, I hurried and rang the bell, and then ran up in between the gangway and the monkey. I went and turned around.

As soon as I got up into the monkey, I went and turned around again, you know, to see if there was anyone around that I could help to get out, and I just ran out the monkey.

Then I heard it coming behind me closer, so I went up Number 3 Breast, and then up through the slant, and out the airway.

A truck came over. I saw a truck up in the strippings where I came out, and he went and brought me over to the tunnel, and then I told him about it. That was it.

MR. COOK: You came around to the main portal of the mine?

WITNESS SMITH: Yes.

MR. COOK: Had the water come out of the portal at that time?

WITNESS SMITH: No. It hadn't come out, until I had told them about it.

MR. COOK: As you recall, at the Number 2 head piece of the conveyor, was the water rising real rapidly in the gangway? Was it a lot of water, or just a depth of water that you could perceive?

WITNESS SMITH: It was a lot of water. The whole gangway was filled up with water. It was just one solid wall.

MR. COOK: One solid wall. A lot of debris in the water, or couldn't you tell?

WITNESS SMITH: I couldn't tell. It was black and stuff, and I didn't wait around to look.

MR. COOK: What kind of training had you received; health and safety training, that is? Had you received training on how to evacuate the mine, your escapeways?

WITNESS SMITH: Well, I knew about the escapeway because, as I said, I had been working there before that main ever started, and I knew how to get out of there.

MR. COOK: Had you ever had a conducted escape drill as such?

WITNESS SMITH: No. We had been told about it.

MR. COOK: You had been told about it. Who gave you those instructions?

WITNESS SMITH: Palmer.

MR. COOK: The use of the self-rescuer; had you been instructed in the use of that?

WITNESS SMITH: Yes.

MR. COOK: Who normally gave those instructions or classes?

WITNESS SMITH: Palmer had shown us how to use them.

MR. COOK: Having experienced this, and I'm sure you thought about it some, would you have any suggestions how an accident like this could be prevented in the future?

WITNESS SMITH: We were taking every precaution that I know of. To even think that anything like that would happen, no one ever did. We knew that the water was there, yes, but we were taking all precautions.

MR. COOK: When they speak of "coal running," what does that mean to you, Mr. Smith?

WITNESS SMITH: Coal running; that means it is running down a chute or out the conveyor.

MR. COOK: Did you ever have an occasion where you worked in the West Skidmore section -- did the coal want to run occasionally where you wanted to try to hold the top, for example?

WITNESS SMITH: Sometimes, yes.

MR. COOK: Were there any particular areas where that might have occurred along the gangway that you know of?

WITNESS SMITH: From about Number 12 on in.

MR. COOK: The coal wanted to run more from 12 inby than it had up until that time?

WITNESS SMITH: It had -- one, yes. You know, every now and then, you would get it at a place where it didn't want to just stay up there like it was supposed to.

MR. COOK: Having worked in the gangway along the conveyor, did you ever notice it being unusually wet along the bottom the last two or three weeks while you were working there?

WITNESS SMITH: Not more than just a drip or so had fallen. Well, that one spot in the gangway; it was a little bit wet. That was that number in between 17 and 18; I am not sure.

MR. COOK: You had some drippers there?

WITNESS SMITH: Yes. And then in the slant; I know that it was wet in there, the one that Adley was in.

MR. COOK: That is all the questions that I have.

Mr. Vicinelly?

MR. VICINELLY: Bruce, how long have you worked as an operator of the chain conveyor; the head conveyor, I think, is what you called it?

WITNESS SMITH: I couldn't tell you how long. I did it every now and then, like, if someone needed help in another place, maybe I would be put up in a breast someplace. Really, I didn't know if I was going to be loading that day,

or what I would be doing. I had no special assigned place.

MR. VICINELLY: Prior to the breakthrough on that day, were you at the face of the gangway?

WITNESS SMITH: That day, I was. Well, that day that it happened, I was.

MR. VICINELLY: At the face of the gangway?

WITNESS SMITH: Yes, just to help change a pan, and talk to them a little.

MR. VICINELLY: Had you observed what the conditions were at the face?

WITNESS SMITH: They were normal.

MR. VICINELLY: When you went up, what were they doing at the face, do you know? Were they drilling? Were they setting their props, or what work were they doing?

WITNESS SMITH: They were helping us put an extra pan on. They were getting ready to go and fire a cut.

MR. VICINELLY: Did you observe at that time if there were test holes drilled?

WITNESS SMITH: No. I had no -- I can truthfully say that there were, because Philip always drilled test holes. He was a safe miner.

MR. VICINELLY: Philip was at the face at that time?

WITNESS SMITH: At that time, he was; him and Pat Kroh, and Ronnie Herb.

MR. VICINELLY: When you say that "Philip was a safe miner," what makes you say that, or why did you say that? Did you work with him?

WITNESS SMITH: I have worked with him already, and I know Philip.

MR. VICINELLY: Had you drilled any test holes with him, or was there any discussion on test holes even before breakthrough? Was this the reason that maybe you are saying that he is a safe worker or something?

I would like for you to --

WITNESS SMITH: Well, he always made sure that the test holes went in, because, well, if you wouldn't, he would get pretty darn pissed off at you.

He always kept, you know --

MR. VICINELLY: When the water broke in, and you first saw it, were you in water?

WITNESS SMITH: No, I didn't get touched by the water at all.

MR. VICINELLY: You were not wet at all?

WITNESS SMITH: Only by running through the monkey head. That was it; you know, the water that came down from the drippers, and formed a pool of water. But, besides that water from the flood itself, I didn't get hit at all.

MR. VICINELLY: You mentioned about a bell. Could you tell us what that is?

WITNESS SMITH: That is an air horn that is worked by air, you know, and you either pull it to start it, the first conveyor, or else stop it. That was the only way of warning him that I would know, that he would look in the gangway; you know, Joe Narcavage. He was running the first conveyor.

MR. VICINELLY: Would you explain, when you say "pull it" to start the conveyor, or "pull it" to stop it, what do you mean by that?

WITNESS SMITH: Well, we had a -- we knew that when you pulled the horn, it was either to start or to stop the conveyor. Joe and me had that worked out between us. Everyone knew it.

MR. VICINELLY: You had a signal system?

WITNESS SMITH: Yes.

MR. VICINELLY: And you had set this warning off?

WITNESS SMITH: Yes. I pulled the cable that was hooked up to the horn.

MR. VICINELLY: Does it only blow when you have your hand on the chord, or once you set it off, does it blow continuously?

WITNESS SMITH: It blows continually. It always had stuck for us, you know; we had to shut it off by hand.

MR. VICINELLY: When the truck brought you over, and notified Management that something had occurred underground,

did you go back underground, or did you --

WITNESS SMITH: No, I stayed out.

MR. VICINELLY: You stayed out?

WITNESS SMITH: Yes.

MR. VICINELLY: On March 1, prior to the break-in, were you up in the monkey?

WITNESS SMITH: No.

MR. VICINELLY: Had you talked to the people working in the monkey?

WITNESS SMITH: Yes, I had always talked to them in the morning.

MR. VICINELLY: But, not after they went up and went to work, or did you talk to them after they went up and went to work?

WITNESS SMITH: No; only when they come down; if they come down in the gangway to eat, or something.

MR. VICINELLY: Well, when they came down to eat that day, did you talk to them?

WITNESS SMITH: Yes, I talked to them.

MR. VICINELLY: Did you discuss with them, or did you hear them discuss anything about the working place, or anything unusual?

WITNESS SMITH: No. There was nothing unusual about that day.

MR. VICINELLY: Were you up in 17 Slant that day?

WITNESS SMITH: No.

MR. VICINELLY: During the time that you were working on the Skidmore, were you involved in tapping any water off from the abandoned workings above?

WITNESS SMITH: No. I wasn't at the top, but we had -- well, now wait; in number -- I don't know what number it was -- 15 it was. I had been with Donny Shoffler and his buddy, Renninger, and I had been with them when they went and broke into the old workings that was above us. That was all.

MR. VICINELLY: Bruce, when you say "broke in," are you saying broke into it, or do you mean --

WITNESS SMITH: We drilled in to see if there was any water first, and then after we knew that there wasn't any water, then we just put, like, a little plugger in, you know, and fired that out, and then we made it big enough so we could get through in there to see.

MR. VICINELLY: When you got it opened up, did you or anyone else go up to see what the entries or the workings above you were like?

WITNESS SMITH: No. Palmer did. Pal had come up.

MR. VICINELLY: What was the highest point that you saw the water when you were making your escape?

WITNESS SMITH: As high as the gangway -- what do you mean; how far up?

MR. VICINELLY: Yes.

WITNESS SMITH: The only place I saw it was in the gangway, and then when I was running out, I didn't look over and really listen to see how high it was coming up. I just kept running, looking straight ahead.

MR.VICINELLY: When you got up to the monkey, could you still hear the water?

WITNESS SMITH: Oh, yes. You could hear the water and the timber cracking, and everything.

MR. VICINELLY: Then you went up to Number 3?

WITNESS SMITH: I ran all the way out to the monkey head, and to Number 3, and then crawled up that, and then went over to the slant that I knew about, because I helped take the slant up from, you know, Number 1 over to the slant. I had helped take that -- I mean over to the airway -- I helped take that slant over. I knew that. So, that is the way I went out.

MR. VICINELLY: How did you know to go up the second escapeway? That is the way you came out, wasn't it?

WITNESS SMITH: Yes. How do I know when I was there or --

MR. VICINELLY: No. Were you instructed in the case of an emergency that this is your second escapeway?

WITNESS SMITH: Yes.

MR. VICINELLY: Who instructed you of that?

WITNESS SMITH: Palmer.

MR. VICINELLY: That is all the questions I have.

MR. COOK: Mr. Tisdale?

MR. TISDALE: Yes, I have some questions.

Mr. Smith, I would like to get in my mind the type of work that you do. As I understand it, you spent a portion of your time working as part of a crew at the face of a breast, or maybe helping in the gangway, or the monkey; is that correct?

WITNESS SMITH: Yes.

MR. TISDALE: Have you spent shifts working as part of the face crew in the gangway?

WITNESS SMITH: I believe one day I had; and, you know, like, some days, if Philip's back was annoying him or something, he would come out and ask me if I wanted to work in there, you know, to help shovel the coal out, and he could run the conveyor that I had.

MR. TISDALE: Then, did you help in the drilling operations in the gangway?

WITNESS SMITH: In the gangway? No, Philip or else Pat used to always drill.

MR. TISDALE: I think you said a moment ago that you worked in Number 7 Breast when they tapped the water in Number 8.

WITNESS SMITH: Yes.

MR. TISDALE: Do you know anything about how they

tapped the water in Number 8; just what happened?

WITNESS SMITH: Well, George Mace was working in that one at the time -- well, it was the opposite shift, really, that they went and tapped into that old workings.

I understand Mace went and had fired a cut, and after that Bob Long --I am pretty sure it was Bob Long who was the head miner on the second shift -- the cut came open and drilled into it.

Then, we didn't work the following days; for about a day or so.

MR. TISDALE: When did they know that they had hit the old works, after they fired the cut, or before they fired the cut?

WITNESS SMITH: That they hit the old works?

MR. TISDALE: Yes.

WITNESS SMITH: As I said, it was afterwards, when Bob Long went up, and drilled a test hole.

MR. TISDALE: They found the old workings with the test hole?

WITNESS SMITH: They found the old workings with the test hole.

MR. TISDALE: On the day that the mine was flooded, you say that you were up with the people at the face of the gangway, and they had the face ready to blast.

WITNESS SMITH: Yes.

MR. TISDALE: Did they blast that before the mine was flooded?

WITNESS SMITH: Yes.

MR. TISDALE: How long before, do you remember?

WITNESS SMITH: I would say an hour or so after they had fired, because I know they were in shoveling the coal out and stuff at the time that it happened.

MR. TISDALE: You feel pretty sure that they were shoveling coal from the base of the gangway?

WITNESS SMITH: Yes, because there was coal coming out on the conveyor, and I knew that John Morgan and Ernie Morgan weren't loading any because they had told me that they were going up in Number 13 to do some repair work first.

MR. TISDALE: Which place did the Morgans work?

WITNESS SMITH: They had been loading onto the conveyor; you know, loading the coal from the chutes onto the conveyor.

MR. TISDALE: They worked up at the chutes, then?

WITNESS SMITH: No, they were in the gangway; at the bottom, at the draw hole, at the chute, they were topping it out of there onto the conveyor.

MR. TISDALE: Do you have any idea what the people were doing in the face of the monkey?

WITNESS SMITH: I couldn't tell you. I guess working; I don't know.

MR. TISDALE: But, you couldn't tell whether there was coal coming from the face of the monkey?

WITNESS SMITH: Oh, you can't tell like that.

MR. TISDALE: Do you know anything about tapping water at Chute Number 12 or 13?

WITNESS SMITH: Do I know of any?

MR. TISDALE: Yes.

WITNESS SMITH: Only on the gangway that is above us; that they tapped some water out of there.

MR. TISDALE: I was just wondering if sometime last winter, if there was any time lost, any work lost, because there was water encountered at one of the other chutes besides Number 8 or Number 15.

WITNESS SMITH: We worked every day, but after they had hit it in Number 8 -- well, then people were not supposed to go up into it, like, it is dangerous to drill in the water.

Someone was supposed to go down and get the foreman. Then, he would come up.

MR. TISDALE: Have you had any meetings with the Management of the mine where you discussed this hearing?

WITNESS SMITH: No.

MR. TISDALE: Meetings, like, that would be in the wash house, or someplace like that?

WITNESS SMITH: No. We were just told that there

would be a hearing, and that was it.

MR. TISDALE: I don't have anymore questions.

MR. COOK: Mr. Shober, do you have any questions?

MR. SHOBER: Bruce, did you see any workmen underground as you traveled toward the escapeway or second outlet?

WITNESS SMITH: No. If there would have been, I would have tried to help them instead of getting myself out.

MR. SHOBER: Was the conveyor going constantly during the shift before the inrush of water occurred?

WITNESS SMITH: Well, it had been stopped off the time we went in, and, you know, changed pans, put an extra pan on.

MR. SHOBER: Bruce, do you remember how many shots were fired on the day of the accident before the in-rush occurred?

WITNESS SMITH: I couldn't tell you the number of them, no.

MR. SHOBER: I mean, do you remember that they did fire at the face of the gangway?

WITNESS SMITH: Yes.

MR. SHOBER: And they fired at the face of the monkey head?

WITNESS SMITH: Yes -- well, I had only heard the face of the gangway; that is all. They might have fired up in the monkey. I don't know. I couldn't tell you.

MR. SHOBER: And the only one that you did notify whenever you did see this water coming toward you was the other man that worked on the conveyor gangway on the out by end; is that right?

WITNESS SMITH: Yes.

MR. SHOBER: By way of a signal?

WITNESS SMITH: Yes. That is the only way that you could.

MR. SHOBER: That is about all I have.

MR. COOK: Mr. Strain?

MR. STRAIN: Mr. Smith, could you describe how people were assigned to work in the West Skidmore?

WITNESS SMITH: They were assigned to work in groups; head miner, sometimes two miners and a laborer. It just really all depended.

MR. STRAIN: Sometimes, you would be working with a group of people, and sometimes you were working alone. Is there any reason for that from one day to the next?

WITNESS SMITH: No, no real reason. It just really depended what you were doing; like, to run the conveyor line, all you need is one guy.

MR. STRAIN: Do you know how people were chosen to be a lead miner?

WITNESS SMITH: Well, they would be working with, you know, like -- how can I explain it? They had to get their

mining papers and stuff, and they worked with someone that did know about it, someone that was higher, you know, an older miner than themselves.

Then, sometimes after the foreman felt that, you know, the guy was ready to go off on his own, then he would assign him to a breast of his own, give him some people to help him.

MR. STRAIN: How about for becoming a miner? You, for instance, worked two years as a laborer. Would you become a miner soon?

WITNESS SMITH: I am going to become a miner soon, yes. I am going to go for my papers.

MR. STRAIN: And the assignments on March 1, the assignments were made by whom?

WITNESS SMITH: Palmer. He used to tell us every day who worked where, and, you know, he used to tell us what had to be taken out into that area.

MR. STRAIN: What were his instructions for March 1?

WITNESS SMITH: For myself?

MR. STRAIN: Whatever instructions that you heard.

WITNESS SMITH: I can't remember.

MR. STRAIN: Do you remember where the other people were working?

WITNESS SMITH: At the time that it happened?

MR. STRAIN: On that day.

WITNESS SMITH: Yes.

MR. STRAIN: All right. Start with the counter chute. Who was working there?

WITNESS SMITH: Gary Klinger, and Harry Fishburn, and Jim McHale.

MR. STRAIN: Would they all have been up in the gangway, up near the counter chute?

WITNESS SMITH: In the counter chute, or at the counter chute?

MR. STRAIN: That is my question.

WITNESS SMITH: I wanted to make sure that I had it right. No, just two guys would have been up in the counter chute, you know, at the counter chute, in the front tamping the coal into the buggies.

Then, the other guy would be down in the front on the motor.

MR. STRAIN: Who would be down on the motor?

WITNESS SMITH: Jim McHale.

MR. STRAIN: Where was Gary Klinger?

WITNESS SMITH: He was tapping the coal from the counter chute into the cars.

MR. STRAIN: And Harry; where was he?

WITNESS SMITH: He was with Gary.

MR. STRAIN: Who was working up at the monkey that day?

WITNESS SMITH: Moyer and Grose and Dennis Morgan.

MR. STRAIN: About what chute would that be?

WITNESS SMITH: I think they were in just about far enough to take up Number 19 Chute.

MR. STRAIN: How about the gangway?

WITNESS SMITH: Pat Kroh, Ronnie Herb, and Philip Sabatino.

MR. STRAIN: And the chute miners? Was anybody working up at the chute?

WITNESS SMITH: In the breast?

MR. STRAIN: Yes.

WITNESS SMITH: Me and Shoffler and Renninger were working in the slant that day, and Jan Kornaski and Leroy Manhart and Albert Carl were working in Number 12, I believe; 12 or 13 it was. They were ready to go and rob that out.

MR. STRAIN: Now, people you talked to during lunch; who were they?

WITNESS SMITH: I had talked to Renninger a little bit, Henry Renninger.

MR. STRAIN: Had you been involved in drilling in the gangway?

WITNESS SMITH: You know, just to watch them, and maybe, you know, hand them an extra steel or something.

MR. STRAIN: Had they been having any problems with drilling in the gangway?

WITNESS SMITH: No.

MR. STRAIN: How about on the bottom flank hole? Did they encounter any rock or anything?

WITNESS SMITH: Yes. It was pretty close to the top, you know, a high vein.

MR. STRAIN: And just about how far were they encountering that rock?

WITNESS SMITH: I couldn't tell you. I think the top rock was the bottom rib.

MR. STRAIN: The top rock was the bottom rib?

WITNESS SMITH: Yes.

MR. STRAIN: Did they try to drill through that top rock, or did they stop when they got to it?

WITNESS SMITH: They stopped when they got to it.

MR. STRAIN: When you holed into the old workings above 15, were you there at that time?

WITNESS SMITH: Yes, I was. I was working with Renninger and Shoffler at that time.

MR. STRAIN: Are you still concerned about their finding water up ahead of you or down below you?

WITNESS SMITH: Yes.

MR. STRAIN: Do you think it could be there?

WITNESS SMITH: In the gangway yet?

MR. STRAIN: Right.

WITNESS SMITH: I don't know. I couldn't tell you.

I don't know if all of it came out or what.

MR. STRAIN: Is anybody else concerned about finding water up there?

WITNESS SMITH: Do you mean as we were going in before it happened?

MR. STRAIN: Right; as you continued your gangway.

WITNESS SMITH: Everyone was concerned.

MR. STRAIN: Did Palmer ever talk to you about finding water?

WITNESS SMITH: Yes.

MR. STRAIN: Do you remember what he said?

WITNESS SMITH: No.

MR. STRAIN: Did you have any ideas about the old workings that you encountered, like, who had done the mining there?

WITNESS SMITH: Well, I had asked my grandfather who had old coal holes up in around that area, and he had told me -- you know, and some of the guys who had mined.

MR. STRAIN: What did he tell you?

WITNESS SMITH: He had just told me that there was -- well, I guess old Earl Bush had the coal hole in there, and then Erdman-- I don't know; I could be wrong.

MR. STRAIN: Did he know how far down they went?

WITNESS SMITH: No. I had heard rumors. There was supposed to be one that came down below our gangway level; but

that is why we were drilling and stuff, and through, we were trying to hit the slant that came down through the old slope.

MR. STRAIN: Did your grandfather tell you -- did he hear any rumors that there were still workings up ahead?

WITNESS SMITH: Well, anyone that knows that area knows that there were old bootleggers that went in, and got the easy coal, and closed them up.

MR. STRAIN: Do you remember anybody in the mine talking about the slant that you were trying to --

WITNESS SMITH: The slope?

MR. STRAIN: The slope.

WITNESS SMITH: Yes. Everyone used to talk about it. We knew it was there and everything. That is why we were drilling.

MR. STRAIN: Was there anybody else working in the West Skidmore section of the mine that had any knowledge about the old mines?

WITNESS SMITH: Everyone did. Everyone that was working in that vein knew about it.

MR. STRAIN: That is all the questions I have.

MR. COOK: Mr. Phares, any questions?

MR. PHARES: Mr. Smith, who was your grandfather?

WITNESS SMITH: Daniel Miller.

MR. PHARES: Did he tell you which hole he used to operate -- what was the name of the hole, do you know?

WITNESS SMITH: That he used to operate?

MR. PHARES: That your grandfather --

WITNESS SMITH: -- had told me about or the one that he had worked in?

MR. PHARES: The one that he had worked in.

WITNESS SMITH: He had told me it was up on Sherman's Mountain, the one that he had told me about. He had worked in Bear Valley before that. I couldn't tell you what mines he worked in.

As I said, he had just told me that there were old mines up in that area.

MR. PHARES: He told you that Earl Bush used to operate a mine in that area; is that correct?

WITNESS SMITH: Yes.

MR. PHARES: You told us about these holes in the low side rib that you observed being drilled. Can you tell us what area that was, what chute they were near? What area of the gangway were these holes being drilled, near what chute?

WITNESS SMITH: They were being drilled in from all the way about Number 4 or 5. All the way in through we have been drilling holes.

MR. PHARES: Which one did you personally observe being drilled?

WITNESS SMITH: What do you mean?

MR. PHARES: You didn't see all of these holes being drilled.

WITNESS SMITH: No.

MR. PHARES: Which ones did you see being drilled, near which chute, if you can remember?

WITNESS SMITH: Number 17, I am pretty sure. I remember one day I went in and I saw that Pat Kroh had been drilling all holes.

MR. PHARES: When you saw him drill this hole, do you remember how deep he drilled it?

WITNESS SMITH: 26 feet.

MR. PHARES: Did he hit any rock going down?

WITNESS SMITH: What do you mean, going in through or straight down?

MR. PHARES: Straight down. I am talking about the hole in the low side rib.

WITNESS SMITH: Well, that Number 17 -- when there wasn't any coal at the rib that we used to use to tap for the bottom rib, then they used to drill right in alongside of that.

MR. PHARES: Could you repeat the answer to your last question?

WITNESS SMITH: If they used, like, the top rock for the lower rib, they used to drill one right in alongside, you know, straight in, plus the middle. The one up on the

upper rib, they used to drill that in and down on the slant.

MR. PHARES: And I believe you stated that you had some difficulty -- that there are some occasional difficulties in drilling into rock on a low side rib; is that correct?

WITNESS SMITH: Yes, when you hit top rock.

MR. PHARES: And on the day that I was questioning you about earlier, near the 17th chute, do you remember if they hit any rock on that day?

WITNESS SMITH: They were using the top rock in the rib. The Skidmore vein, you know, it is twisted and screwed up. You can't follow that.

MR. PHARES: So, you are saying that there was not a hole in that low rib, because the rock was there; is that correct?

WITNESS SMITH: They couldn't get into the rock. They just went right alongside the top in the rib there. They went and drilled in through.

MR. PHARES: Mr. Smith, I believe you stated that you were informed by Management that there would be hearings; is that correct?

WITNESS SMITH: Yes.

MR. PHARES: Where was that? Where were you when you were told that?

WITNESS SMITH: Working.

MR. PHARES: Underground?

WITNESS SMITH: No. We had come outside -- and what a lot of other people had said. Our foremen used to tell us that there was one.

MR. PHARES: Who told you that there would be a hearing; which person?

WITNESS SMITH: Since a flood like that, you know yourself that there is going to be hearings and investigation afterwards.

MR. PHARES: Did you ever gather as a group when you were informed that there would be a hearing?

WITNESS SMITH: Let's see; it was last Friday. We were, you know, all taken into the back of the office. They just told us when the hearing was, you know, for sure. That is the day that they gave us the subpoena and stuff.

MR. PHARES: In the back of which office?

WITNESS SMITH: Over at Porter Tunnel.

MR. PHARES: Would this be the mine foreman's office?

WITNESS SMITH: Yes.

MR. PHARES: Who was present at that meeting, other than the hourly workers?

WITNESS SMITH: Bobby Rissinger and Leon Richter and Sam Klinger.

MR. PHARES: What were you told?

WITNESS SMITH: We were told when the hearing was going to be, and about the lawyer for Kocher would be with us counseling us.

MR. PHARES: Was the lawyer from the company there at that meeting, too?

WITNESS SMITH: Yes, he was there, too; I'm sorry.

MR. PHARES: Did he tell you anything?

WITNESS SMITH: No -- well, he had just told us that we were going to be taken downstairs, you know, in a separate room, and they were going to bring us up individually.

As far as trying to put any words in our mouths, they didn't.

MR. PHARES: Did they discuss testimony at all? Was it discussed at all?

WITNESS SMITH: No. We were just told that it would be like this, and you would be asking us questions about what happened.

MR. PHARES: Were any of the questions mentioned that would be asked?

WITNESS SMITH: No.

MR. PHARES: I have no further questions.

MR. COOK: Mr. Vicinelly?

MR. VICINELLY: Yes, I have a couple here, Bruce.

When you drill your test holes, and then blast your cut, could you still locate your test holes after the cut

has been blasted?

WITNESS SMITH: Yes, you should be able to sometimes, like, if they don't get filled up with dirt or something; if they don't fall shut, you know, because it just really depends if the coal is hard, or if there is dirt in it and stuff, it might go in and close up the holes.

MR. VICINELLY: During the time the test holes were being drilled in the gangway, in the chute, I believe you said you helped them drill them, or you observed them.

Do you know at that time the nature of the coal?

WITNESS SMITH: I believe it was pretty dirty. It was pretty dirty coal.

MR. VICINELLY: Was it fibrous coal or was it soft coal?

WITNESS SMITH: Soft.

MR. VICINELLY: Were they having any problems drilling the holes into kind of soft coal?

WITNESS SMITH: Somtimes the steel would start going in through by itself, and the drill would come off, so they would put it -- nailed it in through so it would not.

MR. VICINELLY: When you put the hole in, when you drilled the hole, and pulled your steel out, was the hole still visible?

WITNESS SMITH: It was visible after you got finished drilling it, yes.

MR. VICINELLY: Did you ever drill a hole and then attempt to put the steel back in?

WITNESS SMITH: Yes. Sometimes you can get it in and sometimes you can't. It really all depends how the coal is. Sometimes, you know, the hole falls shut.

MR. VICINELLY: During the time prior to the break, were you ever concerned with the possibility that you were not drilling holes, or the holes were not drilled deep enough?

WITNESS SMITH: I trusted everyone in there.

MR. VICINELLY: That is all the questions I have.

MR. COOK: Thank you, Mr. Smith.

(Witness excused.)

MR. COOK: We are running a little bit later than we had anticipated, so we will take a recess for lunch, and reconvene here at 1:00.

(Whereupon, at 12:00 noon, the hearing was adjourned, to reconvene at 1:00 p.m., this same day.)

AFTERNOON SESSION

(1:00 p.m.)

MR. COOK: At this time, we will reconvene the hearing, and as our next witness, we would like to have Mr. Albert Carl.

Whereupon,

ALBERT CARL

having been duly sworn, testified as follows:

MR. PHARES: Would you please state your name and spell it?

WITNESS CARL: Albert Carl, C-a-r-l.

MR. PHARES: What is your address, Mr. Carl?

WITNESS CARL: 34 East Main Street, Goodspring.

MR. PHARES: Before we begin the questioning, I want you to understand that this is a formal, investigatory hearing. A written transcript is being made of the statements taken.

You have the right to have counsel present while you are testifying. You may consult with counsel before answering any questions, and you may refuse to answer any question until you have had an opportunity to consult with counsel of your choice.

You also have the right not to make any statement which might lead to your conviction of any state or federal offense.

You should understand that any statement which you make can be used against you in any court action arising out of this matter.

If you do not understand a question, you have the right to have it clarified before you give an answer.

Do you understand the rights which I have just explained to you?

WITNESS CARL: Yes.

MR. PHARES: Thank you.

MR. VICINELLY: Mr. Carl, what was your position when you were working in the Porter Tunnel?

WITNESS CARL: I was on the robbing crew.

MR. VICINELLY: Could you explain what that is?

WITNESS CARL: Drilling long holes, firing pillars.

MR. VICINELLY: Were you considered as a lead miner?

WITNESS CARL: Yes.

MR. VICINELLY: You were the lead miner?

WITNESS CARL: Yes.

MR. VICINELLY: Mr. Carl, where did you work the day of the accident, March 1?

WITNESS CARL: Second miner heading, Number 12 Breast.

MR. VICINELLY: How long have you worked in the coal mines, in the anthracite mines?

WITNESS CARL: 16 years at least.

MR. VICINELLY: How long have you worked at Porter Tunnel?

WITNESS CARL: Four-and-a-half.

MR. VICINELLY: How long have you worked in the West Skidmore section?

WITNESS CARL: Approximately two years, I guess.

MR. VICINELLY: On the morning of March 1, were you issued any instructions on the work that you were to perform?

WITNESS CARL: No.

MR. VICINELLY: Did you talk to your foreman at all?

WITNESS CARL: Yes.

MR. VICINELLY: Who assigned you to work up in Number 12 Breast?

WITNESS CARL: Palmer Merwine.

MR. VICINELLY: He is your foreman?

WITNESS CARL: Yes.

MR. VICINELLY: Who were you working with?

WITNESS CARL: Leroy Manhart and Jan Kornaski.

MR. VICINELLY: Are they miners, do you know, or are they helpers?

WITNESS CARL: One is a miner; the other is a miner's helper.

MR. VICINELLY: During the time that you worked in the Skidmore section, did you perform any other work, other

than what you were doing in Number 12 Breast?

WITNESS CARL: No.

MR. VICINELLY: Did you ever drive gangways?

WITNESS CARL: Not in that area, no.

MR. VICINELLY: Did you work in the monkey chute?

WITNESS CARL: No.

MR. VICINELLY: Could you give us a brief description on how you remove your pillars, or blast your pillars I guess is the correct term?

WITNESS CARL: Well, I don't know exactly how to go about it. You generally just do it all alone, pillaring.

MR. VICINELLY: And then you blast it?

WITNESS CARL: Yes.

MR. VICINELLY: During that day, were you up in the gangway?

WITNESS CARL: No.

MR. VICINELLY: Were you up in the monkey?

WITNESS CARL: No.

MR. VICINELLY: Did you hear any discussions about the possibility of the increase in water?

WITNESS CARL: No, I didn't.

MR. VICINELLY: Do you have any knowledge of test holes either being drilled or not being drilled?

WITNESS CARL: I don't know anything about it.

MR. VICINELLY: How were you aware that you had a

problem, or that there was a problem at Tower City on March 1? Did you hear the wind, or --

WITNESS CARL: Yes. The wind came first; then the water.

MR. VICINELLY: And you were the second --

WITNESS CARL: Second miner.

MR. VICINELLY: In 12 Breast?

WITNESS CARL: Yes.

MR. VICINELLY: Could you give us a brief description of what you did or what took place?

WITNESS CARL: I was just getting ready to drill long holes when it left loose.

MR. VICINELLY: What did you do?

WITNESS CARL: I ran over to 13 Breast, and ran up. My buddies hollered for me to go, and then we ran up to the fourth miner heading.

MR. VICINELLY: From there, where did you go?

WITNESS CARL: Up to the second miner heading.

MR. VICINELLY: The water was where?

WITNESS CARL: Up at the second miner heading.

MR. VICINELLY: You saw the water?

WITNESS CARL: Yes.

MR. VICINELLY: Weren't you in the water at all?

WITNESS CARL: No.

MR. VICINELLY: Will you tell us how you got out?

WITNESS CARL: After the water went down.

MR. VICINELLY: Then where did you go?

WITNESS CARL: It started down. We went out the monkey.

MR. VICINELLY: When you went out the monkey, then where?

WITNESS CARL: Over into the air hole.

MR. VICINELLY: Then up to the second escapeway?

WITNESS CARL: Yes.

MR. VICINELLY: When you went up to the second escapeway, was there anybody up there?

WITNESS CARL: There was a couple of guys there, outside guys that were around.

MR. VICINELLY: That is all the questions that I have.

Joe?

MR. COOK: Mr. Carl, I believe you said you had worked in the West Skidmore Gangway about two years?

WITNESS CARL: Yes.

MR. COOK: Did you start working in that section after some pillars had been developed, or did you start with the section?

WITNESS CARL: No; I started when they first opened it up.

MR. COOK: When they were just driving the gangway

and the monkey airway?

WITNESS CARL: Yes.

MR. COOK: What did you do at that time?

WITNESS CARL: I was driving breast.

MR. COOK: You were driving breast at that time?

WITNESS CARL: Yes.

MR. COOK: Were you drilling test holes at that time?

WITNESS CARL: No, not at that time.

MR. COOK: How long did you stay on breast work, Mr. Carl?

WITNESS CARL: I did four breasts, and then I went on robbing.

MR. COOK: After four breasts, you dropped back and started robbing?

WITNESS CARL: Yes.

MR. COOK: Were you drilling test holes at all when you were driving breasts?

WITNESS CARL: Yes; Number 7 and Number 9 Breast, I believe.

MR. COOK: You started drilling test holes at Number 7?

WITNESS CARL: Yes.

MR. COOK: I believe you mentioned that you were working in a Number 2 miner heading when the water hit, so you went on up the breast, up to Number 4.

WITNESS CARL: Right.

MR. COOK: Did the water recede as rapidly as it came in, or did it linger there for a while?

WITNESS CARL: No; it was maybe there for a couple seconds or maybe a minute. I would say approximately three minutes.

MR. COOK: Approximately how long?

WITNESS CARL: About three minutes.

MR. COOK: And then it ran right on down?

WITNESS CARL: Yes.

MR. COOK: And at that time, you came on back to the monkey airway?

WITNESS CARL: We heard two men hollering that brought us down. That was John Morgan and Ernie Morgan.

MR. COOK: How did you first become aware of old works in the West Skidmore section? What made you first become aware that you were advancing toward old works?

WITNESS CARL: Over at Number 8, I guess.

MR. COOK: Was there anything unusual that happened at Number 8?

WITNESS CARL: Not that I recall.

MR. COOK: Did you ever know of a place being accidently shot through into old works?

WITNESS CARL: No.

MR. COOK: What kind of safety training have you had, Mr. Carl, at this mine?

WITNESS CARL: First-aid training.

MR. COOK: Did you have training in the use of the self-rescuer?

WITNESS CARL: Yes.

MR. COOK: In the use of escapeways?

WITNESS CARL: Right.

MR. COOK: Who normally conducted that training?

WITNESS CARL: I don't know his name offhand.

MR. COOK: Would it have been a mine foreman, a section foreman?

WITNESS CARL: It was a foreman, a section foreman.

MR. COOK: When you start pulling a pillar, the first pillar at the top end of a breast, are the breasts always, in the West Skidmore section, after Number 8 -- were they always cut through into the old works?

WITNESS CARL: Yes.

MR. COOK: That is all the questions I have.

MR. VICINELLY: Jim?

MR. SHOBER: At how many places did you, if ever, drill into abandoned workings on the outside end of the gangway that might contain a body of water or that did contain?

WITNESS CARL: There was only ever two places I drilled into old works, and that was Number 9 and 7, I believe.

MR. SHOBER: And in each case, did those old workings contain a body of water?

WITNESS CARL: Only one that I know of.

MR. SHOBER: Then, what were the orders issued whenever you were to drill into or penetrate an abandoned area that might contain a body of water?

In other words, in a case like this, were you ordered to leave the area while the water drained off?

WITNESS CARL: Right, yes.

MR. VICINELLY: Jack, any questions?

MR. TISDALE: Yes, Walter. I have a question, Mr. Carl, but I have to be sure that I understood what you have said previously.

You worked in driving breast up to Number 4 Breast?

WITNESS CARL: Yes.

MR. TISDALE: And then you went on pillar work?

WITNESS CARL: On robbing, yes.

MR. TISDALE: Are you also saying that you drilled or participated in drilling into old workings at Number 7?

WITNESS CARL: Well, there were certain breasts that I drove or drilled, you know: Number 1, Number 5, 7 and 9.

MR. TISDALE: 7 and 9?

WITNESS CARL: Right.

MR. TISDALE: And you drilled through at Number 7?

WITNESS CARL: Number 9.

MR. TISDALE: Number 9?

WITNESS CARL: Yes.

MR. TISDALE: What was the length of the hole then, do you remember?

WITNESS CARL: 50 feet.

MR. TISDALE: 50 feet?

WITNESS CARL: Right.

MR. TISDALE: Did you hit water?

WITNESS CARL: Yes.

MR. TISDALE: Did the water have much head?

WITNESS CARL: No, not too much.

MR. TISDALE: Are you aware of the tapping of the water at Number 8?

WITNESS CARL: Yes.

MR. TISDALE: How did they find the water at Number 8, do you know?

WITNESS CARL: By drilling ahead.

MR. TISDALE: Then, I take it you knew something about the old mine that you were working under and towards.

WITNESS CARL: Yes.

MR. TISDALE: Had it been explained to you on the mine map?

WITNESS CARL: Yes.

MR. TISDALE: Who had discussed the old mine with you?

WITNESS CARL: Merwine and Sam Klinger.

MR. TISDALE: Did they explain the required drilling program at that time?

WITNESS CARL: Yes, sir.

MR. TISDALE: How did they describe it?

WITNESS CARL: They went up to this fourth miner head, and we went full speed ahead.

MR. TISDALE: Did they describe the drilling pattern to you?

WITNESS CARL: Yes.

MR. TISDALE: How many holes were you supposed to drill?

WITNESS CARL: One in each rib, and one straight ahead.

MR. TISDALE: What was the required depth for the holes?

WITNESS CARL: Some were 40 and 45 feet.

MR. TISDALE: Did they give you a minimum depth to drill?

WITNESS CARL: No.

MR. TISDALE: They didn't say to drill at least so many feet?

WITNESS CARL: We used to drill anywhere from 38 to 40 feet.

MR. TISDALE: I don't have anymore questions.

MR. VICINELLY: Dennis?

MR. STRAIN: Mr. Carl, when you first went into the mine, that place where you were about to work, had that been examined?

WITNESS CARL: Yes, it had.

MR. STRAIN: By who?

WITNESS CARL: Palmer Merwine.

MR. STRAIN: How did you know that?

WITNESS CARL: Because of his mark.

MR. STRAIN: Did that happen on March 1, also?

WITNESS CARL: Yes.

MR. STRAIN: Is there any difference between drilling in the water and the normal drilling that you do when you drill test holes?

WITNESS CARL: Yes.

MR. STRAIN: What kind of difference is it?

WITNESS CARL: The coal gets softer when you are close to an old working.

MR. STRAIN: About how close to the working can you notice it?

WITNESS CARL: Maybe three or four feet.

MR. STRAIN: Three or four feet from the workings where there is some water?

WITNESS CARL: Right.

MR. STRAIN: Do you have any procedure for how to handle it or what to do then?

WITNESS CARL: You go on back and you drill.

MR. STRAIN: Do you tell anybody about the water? Do you tell the other people working with you that you are encountering water, or do you first drill through and then tell them?

WITNESS CARL: Well, after we drill through, then we tell them.

MR. STRAIN: Do you ever tell the mine foreman that you --

WITNESS CARL: He always asks --

MR. STRAIN: Does he ever ask you that you tell him?

WITNESS CARL: He always asked if we drilled through, and then we tell him.

MR. STRAIN: Do you know if the people working in the monkey or the gangway were using test holes?

WITNESS CARL: I wouldn't know.

MR. STRAIN: Could you see on your way into the mine if the test holes were there?

WITNESS CARL: I haven't seen any. I usually go right to my job, you know.

MR. STRAIN: How about your own test holes? After you went back to the place where you worked the day before, could you see the test holes that you drilled there?

WITNESS CARL: Yes. The water was still draining off in Number 9.

MR. STRAIN: Were most of the holes that you were drilling directly over your head?

WITNESS CARL: No.

MR. STRAIN: You wouldn't --

WITNESS CARL: About in the middle of the breast on each rib.

MR. STRAIN: Were you drilling holes above you or to the side of you?

WITNESS CARL: In the side and in the middle.

MR. STRAIN: That is all the questions I have.

MR. VICINELLY: Bob?

MR. PHARES: I have no questions.

MR. COOK: Mr. Carl, just one thing to clear up something. I believe you stated that you probably advanced the Numbers 5, 7 and 9 Chutes or Breasts?

WITNESS CARL: Yes.

MR. COOK: In talking about the drill holes, you mentioned drilling test holes in advance of the face, one in each rib.

I was wondering why you drilled a test hole in the right rib as you advanced the breast.

WITNESS CARL: We were checking for old workings.

MR. COOK: I guess what I was wondering: that was just in the place that you had already driven up?

WITNESS CARL: Yes, right.

MR. COOK: But, you still went ahead and you drilled the holes in the right ribs of those breasts?

WITNESS CARL: Yes.

MR. VICINELLY: Albert, the men on the other shifts opposite from where you worked; did you see them before you went to work, or would you see them?

WITNESS CARL: Yes, down on the main gangway we see them before we go to work.

MR. VICINELLY: Did you discuss the conditions that you had for your shift or the previous shift?

WITNESS CARL: No.

MR. VICINELLY: The person that was working off shift from you gave you no information on the conditions of that working place?

WITNESS CARL: Oh, yes. The cross shift foreman.

MR. VICINELLY: Generally, what kind of information would he give you?

WITNESS CARL: He would tell us the conditions and that.

MR. VICINELLY: Is that all of the information that he gave you, the conditions? When you are saying "conditions," what are you referring to?

WITNESS CARL: Well, what we had to drill, and if we drilled through, or something like that.

MR. VICINELLY: I guess this question was asked, but

I am going to ask it again, Albert. Were you aware of the abandoned workings in the area? You had knowledge of them?

WITNESS CARL: Yes.

MR. VICINELLY: What knowledge do you have of the old abandoned mines in the area? Any?

WITNESS CARL: No.

MR. VICINELLY: Did you ever work at this -- I guess it is Weaver Mine, Bush Mine or Miller Mine?

WITNESS CARL: No.

MR. VICINELLY: How are you assigned, I guess, to the job of robbing pillars -- am I clear on that, or do you want me to try to clear it up?

WITNESS CARL: Clear it up.

MR. VICINELLY: How is a person assigned to a certain job, whether you work in themonkey, gangway or robbing pillars.

WITNESS CARL: The foreman tells us where to go, and what and how to do it.

MR. VICINELLY: Would a person robbing pillars have to have more experience?

WITNESS CARL: No.

MR. VICINELLY: Experience has nothing to do with robbing pillars or driving a gangway?

WITNESS CARL: There is a lot of difference in them.

MR. VICINELLY: That is all I have.

Does anyone else have anything?

(No response.)

MR. VICINELLY: Thank you.

(Witness excused.)

MR. COOK: We would like to call at this time Mr. Jan Kornaski.

Whereupon,

JAN PETER KORNASKI

having been duly sworn, testified as follows:

MR. PHARES: Please state your name, and spell it for the record.

WITNESS KORNASKI: Jan Peter Kornaski, K-o-r-n-a-s-k-i.

MR. PHARES: What is your address?

WITNESS KORNASKI: 509 East Avenue, Mount Carmel, Pennsylvania.

MR. PHARES: Mr. Kornaski, before we begin the questioning, I want you to understand that this is a formal, investigatory hearing. A written transcript is being made of the statements taken.

You have the right to have counsel present while you are testifying. You may consult with counsel before answering any question, and you may refuse to answer any question until you have had an opportunity to consult with counsel of your choice.

You also have the right not to make any statement

which might lead to your conviction of any state or federal offense.

You should understand that any statement which you make can be used against you in any court action arising out of this matter.

If you do not understand a question, you have the right to have it clarified before you give an answer.

Do you understand the rights which I have just explained to you?

WITNESS KORNASKI: Yes, sir.

MR. COOK: Mr. Kornaski, how long have you worked at the Porter Tunnel Mine?

WITNESS KORNASKI: Three-and-a-half years.

MR. COOK: What is your occupation there now?

WITNESS KORNASKI: Laborer.

MR. COOK: Laborer?

WITNESS KORNASKI: Yes.

MR. COOK: How long have you been working in the West Skidmore Gangway section?

WITNESS KORNASKI: I would say about a year-and-a-half to two years.

MR. COOK: Had the section started when you started to work there?

WITNESS KORNASKI: Yes. I was in the east side first.

MR. COOK: You were on the east side of the tunnel?

WITNESS KORNASKI: Yes.

MR. COOK: Then, you came over to the West Skidmore section?

WITNESS KORNASKI: Yes, sir.

MR. COOK: Would you recall about where the section was at that time, what chute?

WITNESS KORNASKI: Well, they just started -- what do you mean; west side?

MR. COOK: On the west side, yes.

WITNESS KORNASKI: They had just started.

MR. COOK: They just had started?

WITNESS KORNASKI: Yes.

MR. COOK: They were just driving the airways at that time?

WITNESS KORNASKI: No. The airway was drove. The Reading Company drove that.

MR. COOK: So, you were driving the gangway and the monkey?

WITNESS KORNASKI: The Number 2 Breast. That would be the counter chute.

MR. COOK: The Number 2 Breast?

WITNESS KORNASKI: Right.

MR. COOK: When did you first become aware that the West Skidmore section was advancing towards old works?

WITNESS KORNASKI: Quite a while ago. Well, when

we first started going west, they had said there would be water out there somewhere.

MR. COOK: You state that you are a laborer. Have you worked only on the pitch, or on the gangway?

WITNESS KORNASKI: Just on the pitch.

MR. COOK: You don't work in the gangway? You never filled in in the gangway?

WITNESS KORNASKI: No, sir.

MR. COOK: In drilling the chutes, did you drill or have occasion to drill test holes in the chutes?

WITNESS KORNASKI: Yes. We were on top. See, we were up on the drag, and that is about five headings up. We were going straight out west on top of the crown. You see, it only goes up so far, and it goes down. That is what we were doing.

MR. COOK: As you developed a breast or a chute, where did you start drilling test holes?

WITNESS KORNASKI: I would say around Number 6 or 7 Breast, at the top.

MR. COOK: Number 6 or 7 Breast at the top?

WITNESS KORNASKI: Yes.

MR. COOK: At that location, where would you drill your test holes?

WITNESS KORNASKI: Straight ahead.

MR. COOK: Straight ahead?

WITNESS KORNASKI: Straight ahead and up.

MR. COOK: In other words, you would drill in the face and to the left rib?

WITNESS KORNASKI: In the face, and into the right rib.

MR. COOK: In the face and into the right rib?

WITNESS KORNASKI: Yes. You see, we were up on top.

MR. COOK: Let's say you are inby Number 6 miner heading in a breast. Where would you drill the test holes in that breast or chute? Am I making myself clear?

WITNESS KORNASKI: I can't understand.

MR. COOK: You are definitely drilling a test hole in the face. Which rib do you drill test holes in?

WITNESS KORNASKI: The face, the upper rib and the lower rib.

MR. COOK: And the lower rib?

WITNESS KORNASKI: Yes. See, I didn't spend too much time in the breast. The only breast we took up was Number 3 and 1, and then we went west at the top with the drag line.

See, I didn't spend too much time on any of them other breasts.

MR. COOK: You weren't developing breasts at all?

WITNESS KORNASKI: No.

MR. COOK: Did you ever see a section map of the West Skidmore section?

WITNESS KORNASKI: Well, the past few days, they have a map hanging down in the main tunnel.

MR. COOK: Prior to the last few days, had you seen a map of the section?

WITNESS KORNASKI: No, sir.

MR. COOK: When you first started to work at the Porter Tunnel Mine, what kind of training did you receive?

WITNESS KORNASKI: The only training I got was from the lead miners. That is it. I just learned as I went on.

MR. COOK: Were you given specific training in the use of the self-rescuer, for example?

WITNESS KORNASKI: Yes, sir.

MR. COOK: The use of escapeways?

WITNESS KORNASKI: Yes, sir.

MR. COOK: Were you ever aware of a breast accidentally cutting through into old works?

WITNESS KORNASKI: No, sir.

MR. COOK: Did you pull the pillars in Number 8 Chute? Did you work in that area?

WITNESS KORNASKI: We were robbing, as I said before, with the drag up on top. See, the machine sat right on top of the Number 2 Breast, and then it went out to about Number 8 or 9, as far as the cable reached.

Then, we started robbing from -- when that job was stopped, we came down to Number 10, and started. Then, we were over to 11 and 12 when this happened.

MR. COOK: At the time of the accident, on March 1, where were you at that time?

WITNESS KORNASKI: Up at the second miner heading with Mr. Carl. He just left -- and Leroy Manhart.

MR. COOK: Is the second miner heading at Number 12?

WITNESS KORNASKI: 12.

MR. COOK: Was your group the one who started pulling the pillars on Number 12 Chute?

WITNESS KORNASKI: Yes, sir.

MR. COOK: Did Number 12 Chute cut through into the old works?

WITNESS KORNASKI: At the top, it did. The old works started back at Number 8. When the breasts were drove up, they were all tapped into the old workings.

MR. COOK: Were you aware of any water coming out of the old workings at Number 12 Chute?

WITNESS KORNASKI: When they were driving the breast up, as they were going up, they were tapping into the water, and when the water would stop, you would work the rest of the way up until you hit the old workings.

After that, you just started robbing it back.

MR. COOK: And, of course, after the inrush, you

went out with the other two men that you were working with?

WITNESS KORNASKI: Well, me and John Morgan went out first, because he didn't have a hat. I helped him out across the breast, down in through the monkey.

We came down Number 10 and went out through the monkey.

MR. COOK: So, you all did meet up with Mr. Ernest Morgan and Mr. John Morgan?

WITNESS KORNASKI: Yes.

MR. COOK: And you came out with Mr. John Morgan?

WITNESS KORNASKI: Yes, sir. I would say that we were about the fifth and sixth men out, or fourth and fifth; I forget.

MR. COOK: Were you ever given any specific instructions on how to drill test holes?

WITNESS KORNASKI: Yes, sir. We have been drilling test holes up along where we were going ahead with the drag, all the while; say, about 36 feet ahead, anyhow.

MR. COOK: Did the section foreman visit your working place?

WITNESS KORNASKI: Twice a day; sometimes more.

MR. COOK: Did he check the drill holes?

WITNESS KORNASKI: Yes, sir.

MR. COOK: How did he normally check those holes?

WITNESS KORNASKI: Well, we had told him -- sometimes he was there when we were drilling them. The cross shift when

the lead miner went out of their shift, we told them how far we drilled ahead. They would take the cut, and then drill ahead for us, too.

MR. COOK: You were working at the Number 12 Chute. Had you noticed any difference in the consistency of the coal? Did the coal want to run more in that area than it had, say, in Number 8 Chute, or could you tell any difference there?

WITNESS KORNASKI: There wasn't much of a difference.

MR. COOK: Was there any indication at all the day of the accident that anything was unusual or different?

WITNESS KORNASKI: No, sir, not until that rush of air came.

MR. COOK: Looking back on it, would you have any suggestions as to how a similar occurrence could be prevented?

WITNESS KORNASKI: I have no ideas, sir.

MR. COOK: Mr. Vicinelly?

MR. VICINELLY: Did you encounter any problems in drilling the test holes?

WITNESS KORNASKI: No, sir.

MR. VICINELLY: And you stated you were drilling -- would you repeat that; 35 feet to 40 feet? Is that what you said?

WITNESS KORNASKI: I said about 36 feet.

MR. VICINELLY: 36 feet?

WITNESS KORNASKI: Yes, sir.

MR. VICINELLY: You had no problems --

WITNESS KORNASKI: It all depended on how the quality of the coal was; if it was hard, your drilling was easier, the holes will clean better, but if the coal was soft, the holes would tend to stick on it.

MR. VICINELLY: Is there any difference, or would you have more problems in drilling side holes than you would drilling face holes?

WITNESS KORNASKI: The holes that you drilled up the pitch would clean a lot better than the other ones, see?

MR. VICINELLY: The people that were on the opposite shift than what you were on when you went underground; were there holes drilled for you?

WITNESS KORNASKI: Most of the time, they were.

MR. VICINELLY: How did you determine the length or the depth of those holes?

WITNESS KORNASKI: You could get the steels and push them in, and as far as you pushed them in, that is how you would measure. We had four-foot steels and six-foot steels. But, they usually tell us how far they were in, or they would mark it, mark on the board with chalk, and put an arrow pointing toward the hole, how far it was in.

MR. VICINELLY: Would you repeat that? They would mark with chalk on a board?

WITNESS KORNASKI: It all would depend on if we were on second shift, they would come out from day shift, and tell us how far they had drilled ahead. Just to be sure, before they left, they would put on a mine plank. They would write down how far the hole was in.

MR. VICINELLY: The depth of the hole?

WITNESS KORNASKI: Yes, sir.

MR. VICINELLY: I have no other questions.

MR. COOK: Mr. Shober?

MR. SHOBER: Jan, would you describe to me again just where you worked in this West Skidmore Gangway?

WITNESS KORNASKI: At the top of Number 2. We had a winch sitting there, a double-drum winch; and from there, we went out west, following the top of the crown.

MR. SHOBER: In other words, on the saddle?

WITNESS KORNASKI: At the top of the breast, the slant.

MR. SHOBER: A drag operator?

WITNESS KORNASKI: Yes.

MR. SHOBER: What were the orders issued to you daily?

WITNESS KORNASKI: Just to drill ahead. The section foreman would visit us three times a day.

MR. SHOBER: In other words, you received your orders from the section foreman? That was it?

WITNESS KORNASKI: Yes, sir.

MR. SHOBER: Can you describe to me the action that was taken when the in-rush of water occurred, what your next move was?

WITNESS KORNASKI: Well, we were in Number 12, and the first thing that we did was run through the heading and up Number 13 as high as we could go.

MR. SHOBER: Did you travel that by yourself on that day?

WITNESS KORNASKI: No. There was the three of us. And then John and Ernie, they were down in the monkey trying to get timber out of the chute, because they were loading down below.

The water must have come up behind them and pushed them up the rest of the way. As fast as the water came up, it went back down. If it would have stayed any longer, they would be dead, too.

MR. SHOBER: And the reason the distance of the holes that were drilled up in your area varied was because of the nature of the coal, plus orders you may have been issued, right?

WITNESS KORNASKI: Yes, sir.

MR. SHOBER: Thank you.

MR. COOK: Mr. Strain?

MR. STRAIN: Do you know if anybody aside from

yourself had any trouble with drilling test holes at any time? Have you heard of anybody having trouble?

WITNESS KORNASKI: Not to my knowledge, no.

MR. STRAIN: Were you confident that people in the gangway and the monkey headings were drilling test holes?

WITNESS KORNASKI: Yes, I was.

MR. STRAIN: Why?

WITNESS KORNASKI: They were told to drill them, and I was there a few times when they were drilling them.

MR. STRAIN: When was that?

WITNESS KORNASKI: Well, the same day I went down, I got Philip Sabatino a box of powder. He was drilling.

MR. STRAIN: This is March 1?

WITNESS KORNASKI: Yes, the same day. I was there about an hour before it happened, right at the face.

MR. STRAIN: Where was he drilling?

WITNESS KORNASKI: He was drilling -- they had drilled their long holes, their test holes, and then they were drilling their cut up to fire.

MR. STRAIN: Do you know how long the top hole was?

WITNESS KORNASKI: No, sir.

MR. STRAIN: How about the bottom?

WITNESS KORNASKI: I was just there when they were drilling. I got them a box of powder, and then I left. I went back up to the pitch.

MR. STRAIN: Did they say anything about any problems they had been having?

WITNESS KORNASKI: No, they didn't say anything.

MR. STRAIN: Who has been the person doing the drilling?

WITNESS KORNASKI: Pat Kroh, Philip and Ron Herb. They all took turns.

MR. STRAIN: That is all the questions I have.

MR. COOK: Mr. Tisdale?

MR. TISDALE: Mr. Kornaski, which test hole were they drilling in the gangway when you were there?

WITNESS KORNASKI: Right at the time I was there? The one straight ahead.

MR. TISDALE: Did you see the other test holes?

WITNESS KORNASKI: I didn't take notice. See, I just got them a box of powder, and I had to return to my job.

MR. TISDALE: Did you know the escapeway out of the mine?

WITNESS KORNASKI: Yes, sir. I have been up there a few times.

MR. TISDALE: Thank you.

MR. COOK: Mr. Phares?

MR. PHARES: I have no questions.

MR. COOK: Thank you, Mr. Kornaski.

(Witness excused.)

MR. COOK: We would like to have at this time Mr. Harry Fishburn.

Whereupon,

HARRY D. FISHBURN, JR.

having been duly sworn, testified as follows:

MR. PHARES: Will you please state your name and spell it?

WITNESS FISHBURN: Harry D. Fishburn, Jr., F-i-s-h-b-u-r-n.

MR. PHARES: What is your address, Mr. Fishburn?

WITNESS FISHBURN: 11 North Locust, Mount Carmel.

MR. PHARES: Mr. Fishburn, before we begin the questioning, I want you to understand that this is a formal investigatory hearing. A written transcript is being made of the statements made.

You have the right to have counsel present while you are testifying. You may consult with counsel before answering any question, and you may refuse to answer any question until you have had an opportunity to consult with counsel of your choice.

You also have the right not to make any statement which might lead to your conviction of any state or federal offense.

You should understand that any statement that you make can be used against you in any court action arising out

of this matter.

If you do not understand a question, you have a right to have it clarified before you give an answer.

Do you understand the rights which I have just explained to you?

WITNESS FISHBURN: Yes.

MR. PHARES: Thank you.

MR. VICINELLY: What job assignment did you have on March 1?

WITNESS FISHBURN: I was assigned to work in the counter chute with Gary Klinger.

MR. VICINELLY: Are you a certified miner?

WITNESS FISHBURN: Yes, sir.

MR. VICINELLY: How long have you worked at this position?

WITNESS FISHBURN: A year, year-and-a-half.

MR. VICINELLY: How long have you worked on the West Skidmore section?

WITNESS FISHBURN: About eight months to a year.

MR. VICINELLY: How long have you worked at the Porter Tunnel?

WITNESS FISHBURN: Going on three years.

MR. VICINELLY: How long have you worked as an anthracite miner? Have you worked at any other mines other than at Porter?

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WITNESS FISHBURN: Yes, I have. Six years, five or six years.

MR. VICINELLY: Where was that at?

WITNESS FISHBURN: I worked for my father and I worked for Roy Hoerner.

MR. VICINELLY: Would you describe, briefly, the work that you performed?

WITNESS FISHBURN: I was a breast miner, originally, but we had no breast to drive that day, so I was assigned to work in the counter chute. But, I worked in the breast mainly.

MR. VICINELLY: What type of work did you do at the counter chute?

WITNESS FISHBURN: We were loading rail cars.

MR. VICINELLY: What breast did you originally work in?

WITNESS FISHBURN: I worked in several. It depends on what breast you took up. I worked in Number 8, Number 12, and Number 13.

MR. VICINELLY: When you worked in Number 8, did you start Number 8 from the monkey up?

WITNESS FISHBURN: No, it was up by the miner heading.

MR. VICINELLY: It was up one miner heading?

WITNESS FISHBURN: Yes.

MR. VICINELLY: Were you drilling test holes at that time?

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WITNESS FISHBURN: Yes.

MR. VICINELLY: How were you drilling test holes?

WITNESS FISHBURN: We would drill two flank holes and one center hole.

MR. VICINELLY: How long were the holes?

WITNESS FISHBURN: 26 feet.

MR. VICINELLY: Did you drive your breast all the way up? Were you working in the breast when it was driven all the way up?

WITNESS FISHBURN: Yes.

MR. VICINELLY: Did you tap any water or encounter any water there?

WITNESS FISHBURN: We tapped water in Number 8 and in Number 13 Breast.

MR. VICINELLY: Could you explain the procedure in tapping this water off, either Number 8 or 13, Harry?

WITNESS FISHBURN: Well, in Number 8, we had drilled -- we were at the 7th miner heading and we had drilled and the holes we had drilled -- we had drilled the cut up; we had drilled, and the hole was wet, but there wasn't any water running out of it.

What we had done, we had drilled underneath the water into soft coal, and the water didn't come out, because it wasn't a real big pocket of water. And, we were first shift, and the second shift come up and they were told to drill

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ahead to make sure -- drill a higher hole to make sure that if there was any water, that they would tap it; and, they did and they hit water and tapped it.

In Number 13 we had drilled two flank holes. On the west side we drilled them 26 feet and there was a little bit of water running out, not very much.

So, Palmer Merwine, the foreman, had come over. He seen the water, and he told us that he wanted a line of holes from where that flank hole went, drilled down until we got out straight, and to drill as far as we had to if we thought there was water; and, we had drilled 50-some feet, almost straight in, and tapped water in Number 13 Breast.

MR. VICINELLY: Back to Number 8, when you stated that you had drilled holes but not tapped the water off and then the next shift went in and drilled holes and did tap the water off, do you know the length of those holes when they did tap the water off?

WITNESS FISHBURN: 15 feet, maybe 18 feet.

MR. VICINELLY: Did you ever work in a gangway?

WITNESS FISHBURN: Yes, I did.

MR. VICINELLY: On the West Skidmore section?

WITNESS FISHBURN: Yes, I did.

MR. VICINELLY: Were you drilling test holes?

WITNESS FISHBURN: Yes, we were.

MR. VICINELLY: How were you drilling test holes?

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WITNESS FISHBURN: We would drill one flank hole up, one hole straight in, and then we would come down to the bottom of the face and drill a flank hole down.

You couldn't drill down at too much of an angle, because it would always jam up and get stuck; but, you would drill down at maybe a 45 downward.

MR. VICINELLY: How deep were those holes?

WITNESS FISHBURN: They go down 26 feet.

MR. VICINELLY: At approximately what breast were you at when you worked the gangway?

WITNESS FISHBURN: I started to work in the gangway when I first went to the South Dip Skidmore at about Number 6 Breast, and I worked in the gangway until it got to about Number 11 or Number 12 Breast; then I went up in the pitch.

MR. VICINELLY: Did you have any problems drilling the bottom flank holes?

WITNESS FISHBURN: Yeah, we had a lot of problems. It would always stick and jam up and it wouldn't clean. Steels would get stuck.

MR. VICINELLY: When you encountered a problem like that what did you do?

WITNESS FISHBURN: Well, we would just keep working at it and put a pipe wrench on the steel and turn it back out and start all over in the same hole; put a steel on at a time, and clean the hole out real good until we got it cleaned out

j22

to as deep as we were and then try to drill more down deeper, yet, than what we were if we weren't in 26 feet.

MR. VICINELLY: When you drill your test holes and your blasting holes that you shoot, after you blast your cut are the test holes visible, or could they be located?

WITNESS FISHBURN: Sometimes the center one would be, but the coal was so fine half the time that you couldn't find the center one. The top flank hole would be visible. It was very hard to find the bottom one.

MR. VICINELLY: Were these holes identified in any way? In other words, what I am asking you is did you put a plug in them or something that you could tell where they were at?

WITNESS FISHBURN: No, sir.

MR. VICINELLY: Were you ever concerned that there may have been some people in there not drilling test holes?

WITNESS FISHBURN: No, sir.

MR. VICINELLY: Why do you say that? What do you base that on?

WITNESS FISHBURN: I base that on the foremen. The foremen, whenever they came to check around at your job, where you were, they always asked to see the test holes if you didn't fire yet. They would ask you to show the test holes where you had drilled, and then you would show them where the holes were.

MR. VICINELLY: Were you aware that you were

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approaching abandoned workings?

WITNESS FISHBURN: Yes.

MR. VICINELLY: Who informed you of that?

WITNESS FISHBURN: Well, our foremen did. They told us it was necessary and that we should always drill ahead. If that is all we ever got done was to drill ahead -- if that is all we got done on the day shift, then that is all we got done, but they wanted me to drill ahead before I did anything, before you fired a cut.

MR. VICINELLY: On the morning of the break-in, prior to the break-in, were you up into the gangway?

WITNESS FISHBURN: No, sir.

MR. VICINELLY: The monkey?

WITNESS FISHBURN: No, sir.

MR. VICINELLY: Did you talk to anyone that morning prior to the break-in?

WITNESS FISHBURN: Yes, sir.

MR. VICINELLY: When was that?

WITNESS FISHBURN: That was at starting time in the morning.

MR. VICINELLY: After starting time you were not down talking to anyone in the gangway or monkey?

WITNESS FISHBURN: No, sir.

MR. VICINELLY: Joe.

MR. COOK: Mr. Fishburn, you were working at the

j24

counter chute on the day the accident occurred?

WITNESS FISHBURN: Yes, sir.

MR. COOK: How long had you been working at the counter chute?

WITNESS FISHBURN: That was just a temporary job, because one of the men didn't come out to work that day.

MR. COOK: So, just for that day, primarily --

WITNESS FISHBURN: Yes.

MR. COOK: You mentioned that you had worked in the gangway on occasion?

WITNESS FISHBURN: Yes, sir.

MR. COOK: Advancing the face of the gangway.

And, speaking of drilling the test holes, let's say you had a clean face when you went into the gangway, what would be your procedure for drilling holes?

WITNESS FISHBURN: My procedure for drilling holes?

MR. COOK: Yes, sir.

WITNESS FISHBURN: Well, when we first went back to the face we would check for gas, and we would check our timber closest to the face and see if it was pushing or getting in the way, because the coal was getting thick and it was real fine; it was hard to hold.

Then we would hook the air drill up and we would drill. The first hole we would drill would be our flank hole going up. The second hole would be a center hole. The third hole would

j25

be the bottom hole going down.

MR. COOK: I believe you said you start right at the intersection of the face with the rib and start your hole at about a 45 degree angle, and you drove it down.

WITNESS FISHBURN: Yes, sir.

MR. COOK: Then after you drilled and shot and loaded out that cut, you would follow the same procedure.

WITNESS FISHBURN: Yes, sir.

MR. COOK: Were you ever able to use the same hole straight ahead, test hole, and just advance it another six feet, or do you have to always drill another?

WITNESS FISHBURN: Very seldom we could use the same hole going straight in at the place. Most of the time we had to start a whole new hole, because the hole, after you fired, would just collapse because the coal was real fine.

MR. COOK: You mentioned you were working at the counter chute; that someone was off and you were filling in. Where did you normally work?

WITNESS FISHBURN: I normally worked in the breast.

MR. COOK: And, of course, you did work in the gangway some, temporarily, as you mentioned.

WITNESS FISHBURN: Yes.

MR. COOK: You mentioned that the coal was getting softer and harder to hold. What area are you speaking of there?

WITNESS FISHBURN: From 15 on back.

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MR. COOK: From 15 towards the face?

WITNESS FISHBURN: Yes, sir.

MR. COOK: It was noticeably harder to hold?

WITNESS FISHBURN: Yes.

MR. COOK: Were you aware that Number 16 Breast had been started and it had to be stopped?

WITNESS FISHBURN: Yes, sir.

MR. COOK: What was the reason that Number 16 Breast wasn't --

WITNESS FISHBURN: As I said, the coal was getting real, real fine and it was a big roll at that area where the top actually just disappeared and went straight up and the coal got real thick. And, the forepoling ahead, and stuff, the coal would just keep coming down and snap the forepoles off and they couldn't hold it, so they just -- then they shut 16 down, as it was getting too dangerous.

MR. COOK: Was there much forepoling that had to be done in the gangway at about 15?

WITNESS FISHBURN: Yes.

MR. COOK: There was?

WITNESS FISHBURN: You had to forepole the top and the one rib towards the bottom.

MR. COOK: Where were you when you first knew that there had been an accident on March 1?

WITNESS FISHBURN: I was in the counter chute.

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MR. COOK: You were in the counter chute?

WITNESS FISHBURN: Yes, sir.

MR. COOK: Who were the two men that you were working with at that time?

WITNESS FISHBURN: I wasn't working with two men; it was only Gary Klinger and I.

MR. COOK: Just Gary and yourself?

WITNESS FISHBURN: Yes.

MR. COOK: The workman on the conveyor at the top, he wasn't within your range of sight?

WITNESS FISHBURN: No, sir. You could see him if you looked up through the counter chute; but, from where we were, we could not see him.

MR. COOK: Where did you first notice the water, coming down the counter chute?

WITNESS FISHBURN: Yes. When the man running the conveyor came down, the water was coming right behind him.

MR. COOK: Right behind him?

WITNESS FISHBURN: Yes, sir.

MR. COOK: What did you do then?

WITNESS FISHBURN: Well, he passed us out, and Gary and I were standing on the platform; but, when he passed us out, we -- there were a lot of planks and a lot of other debris that came down with the water and a lot of just mud and dirt; and, we tried getting down the ladder, but we couldn't get

j28

down because it was blocked and the water had started to back up. So, we had crawled the props to get up closest to the top to stay out of the water if we could; but, the water just backed up and went up over us.

MR. COOK: Would you have any idea about what time this was?

WITNESS FISHBURN: It was close to 12:00.

MR. COOK: A lot of debris came with the water?

WITNESS FISHBURN: Yes.

MR. COOK: Timbers. Did you ever see a section map of the West Skidmore Gangway?

WITNESS FISHBURN: No, sir.

MR. COOK: In other words, you knew to drill your test holes, they explained to you how to do that, but you never physically saw a map of the section that you were working toward? There was no section map posted anywhere?

WITNESS FISHBURN: Our foreman would explain to us what they expected to hit and stuff. He would fill us in on what to look out for and stuff.

MR. COOK: When you would come into a working place, let's say a gangway, how would you know what holes had been drilled on the previous shift?

WITNESS FISHBURN: Well, outside, when you would be swinging shifts, we changed shifts -- outside the first shift would inform the second shift, before they even went in, what

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they did, if they drilled any test holes; or if they timbered, or if they needed any timber or any kind of supplies, they would inform them what they needed and what they had done inside.

MR. COOK: Did you ever run into occasions where a hole might have been partially drilled and you would finish drilling it?

WITNESS FISHBURN: Yes, I have, but, like I say, the men on the -- like if I was second shift, they would come out and they would tell us "the hole in the west rib is only 15 feet, we didn't have time to finish it," and then we would finish it when we would go in; but, they would tell us that the hole wasn't; that we had to finish drilling.

MR. COOK: Did they normally leave the steel in the hole?

WITNESS FISHBURN: Yes, sir.

MR. COOK: Did you receive safety training at the Porter Tunnel Mine?

WITNESS FISHBURN: I didn't receive any at Porter Tunnel Mine, but at the other mines that I have worked I did.

MR. COOK: Had you had first-aid training at the Porter Tunnel Mine?

WITNESS FISHBURN: I had first-aid training, not at Porter Tunnel, but all I could say, I would know how to use it.

MR. COOK: How long had you worked at the Porter Tunnel Mine?

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WITNESS FISHBURN: I guess going on two years.

MR. COOK: Had you ever had training in the use of the flame safety lamp?

WITNESS FISHBURN: Yes, sir.

MR. COOK: Self rescuer?

WITNESS FISHBURN: Yes, sir.

MR. COOK: Had you ever traveled the escapeways before this incident occurred?

WITNESS FISHBURN: Yes, sir. The foreman told us where they were. They were marked. They had them all marked, the escapeways; they were all marked, and they explained to us how to get out from where we were working.

MR. COOK: Would you have known how they started drilling both rib holes at, say, the Number 6 Chute? Was there anything unusual that happened at that time that you know of?

WITNESS FISHBURN: No. They were just afraid of, maybe, in between number -- say between a breast, a pillar; they were just afraid of taking one breast up and the other breast up and having an old workings in between and a pillar that we didn't know about and break into.

So, you drilled flank holes on both sides of your breast to make sure.

MR. COOK: Who did you work with, Mr. Fishburn, when you worked in the gangway?

WITNESS FISHBURN: Philip Sabatino and George

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Madenford.

MR. COOK: That is all I have.

Jim.

MR. SHOBER: Harry, how many sticks of permissible explosives or powder did you use when you went to tamp a cut in the West Skidmore Gangway in each hole? That would be for a six-foot cut. Do you remember?

WITNESS FISHBURN: How much what?

MR. SHOBER: How many sticks?

WITNESS FISHBURN: Well, at first we were using anywhere from three to four; and as the coal got thicker, we had to cut it down to three, and sometimes only two sticks to fire, because the coal was so loose.

MR. SHOBER: Is it very difficult to tamp the holes? In other words, was the face always dry?

WITNESS FISHBURN: It was difficult to tamp the holes, but the reason it was difficult to tamp the holes was because some of your holes you drilled up for your cut, would actually, after you got done drilling your six foot hole in for your cut -- before you got the powder in, they would almost fall shut and you would have to clean them out again to try to tamp them.

MR. SHOBER: In other words, in some cases the nature of the coal would be soft and it would be granular and run?

WITNESS FISHBURN: Right.

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MR. SHOBER: Did you ever have any trouble drilling test holes?

WITNESS FISHBURN: Yes.

MR. SHOBER: With regard to the length of your test holes drilled, 25 feet, if the bit or steel gets stuck at 20, what would you do?

WITNESS FISHBURN: Well, we would keep working at it until we get it all up and then we would clean the hole out and drill it in until we got them to where the section foreman wanted it.

MR. SHOBER: How many times did you see your section foreman during the day?

WITNESS FISHBURN: I see him every day; sometimes twice.

MR. SHOBER: That is all I have.

MR. VICINELLY: Jack.

MR. TISDALE: Mr. Fishburn, I have, I think, one question. I heard a rumor about the intersection of the old mine at Number 8 Breast, and you were working in that area at the time; and you drilled the round of holes just before your shift ended and one of them was damp and you thought it might be close to water; is that what you said before?

WITNESS FISHBURN: That was up in Number 8 Breast.

MR. TISDALE: Number 8?

WITNESS FISHBURN: Yes.

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MR. TISDALE: Now, somebody said that some shots were fired at Number 8 and they broke the other way, broke into the old works; is that true?

WITNESS FISHBURN: There was a cut that was tried to be fired, but the holes had drowned out and they didn't go, they didn't pull. It just didn't go.

MR. TISDALE: Was this before you knew that there was water above -- that the old mine was above you in Number 8?

WITNESS FISHBURN: No.

MR. TISDALE: When did that occur?

WITNESS FISHBURN: Well, like I say, after it didn't go, it was so wet -- well, we had drilled a bottom hole; and, like I say, we drilled in and we drilled underneathe --

See, when they worked that old mine, they didn't take all the coal. They left the bottom coal.

They came down on a rock divider in between the coal. There was about four foot of coal from that rock divider down at the bottom.

We had drilled our hole in, but it was in on that coal on the bottom. And, when we came back out, we had fired the shot and the cut didn't go.

The long hole was damp when we had drilled it, but it wasn't real wet; but, when we came back and we had fired and the cut didn't go, our long hole was real wet then.

That is how we knew then that there was water up

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above us; that there had to be water above.

See, we didn't know -- this was the first time we hit the old workings, and no one really knew if they took all the coal or left bottom coal or not.

MR. TISDALE: So, actually, none of the explosives detonated?

WITNESS FISHBURN: Yes, one or two did, but the breakers didn't detonate and it didn't pull.

MR. TISDALE: When did you come back to work?

WITNESS FISHBURN: After the accident?

MR. TISDALE: Yes.

WITNESS FISHBURN: I am still not back.

MR. TISDALE: Thank you.

MR. STRAIN: Mr. Fishburn, can you tell me, after you drilled into the abandoned workings up above, were you expecting to find them anyplace else but above you? Were you expecting to find them ahead of you or below you?

WITNESS FISHBURN: Well, we knew they were either ahead of us or below us. We were just drilling to try to find out.

This was the first time, you mean, we hit water?

MR. STRAIN: After you hit the water.

WITNESS FISHBURN: Well, we started the hole in, the hole above it, but we didn't finish it because, like I say, we didn't have time. So, we came down and we told the cross shift

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that there might be water ahead, and we had the steel hanging in the hole, stuck in the hole; to have them drill ahead and make sure that there was no water above us, and then they went in and they hit water.

MR. STRAIN: After this time when you were working on the gangway were you then concerned about running into water, or just when you were driving the breast?

WITNESS FISHBURN: You mean the gangway and every place? Everywhere. They were concerned about hitting water in the gangway, monkey, in the breast.

MR. STRAIN: When you first ran into the soft coal, was there any discussion about that coal, what was causing it to go soft?

WITNESS FISHBURN: Well, it was a roll. It is where the thickness of the vein changes so quick that the vein would change, say, like from four foot all of a sudden up to twenty-two foot. It was the thickness of the roll. The thickness changed so quick; that is what made the coal so soft.

MR. STRAIN: Was it the thick coal that was soft, or the narrow coal that was soft?

WITNESS FISHBURN: The thick coal.

MR. STRAIN: Who did you talk to about this, or did you talk to anyone about this?

WITNESS FISHBURN: I didn't talk to anyone. They informed us, and told us to be extra careful, and to make sure

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that when we forepoled into our face, before we fire a cut, to actually drive our forepoles into the face as far as we could, so when we would fire, that the forepoles would hold what was above it and wouldn't, when you fired, wouldn't pull it out.

MR. STRAIN: Who was the person that told you that?

WITNESS FISHBURN: Palmer Merwine.

MR. STRAIN: Palmer Merwine?

WITNESS FISHBURN: Yes, sir.

MR. STRAIN: Would any instructions that you would be given come from Palmer Merwine?

WITNESS FISHBURN: Yes, sir.

MR. STRAIN: Anybody else?

WITNESS FISHBURN: Nick Dunkle.

MR. STRAIN: Who is he?

WITNESS FISHBURN: He is cross-shift foreman, which fills in for Palmer when he isn't there.

MR. STRAIN: When you were working in the gangway did you yourself drill any test holes?

WITNESS FISHBURN: Yes, sir.

MR. STRAIN: Did you encounter any water in those holes?

WITNESS FISHBURN: Not in the gangway, sir.

MR. STRAIN: None at all?

WITNESS FISHBURN: No.

MR. STRAIN: Was there any difficulty in drilling the

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holes in the gangway?

WITNESS FISHBURN: Yes.

MR. STRAIN: What was that?

WITNESS FISHBURN: Well, like I said, the coal was so fine it would keep jamming -- the steels wouldn't clean and the hole would jam up; and then you would have to turn steels back out with a pipe wrench and clean the hole all over and start over again in the same hole trying to go down further.

MR. STRAIN: On your lower flank holes, did you run into rock in the bottom?

WITNESS FISHBURN: Where the coal wasn't too thick we sometimes -- if the hole wasn't exactly straight with the vein, the way the vein was running, we would hit either the top or bottom rock.

In that case we would pull the steel back out and start a new hole and try to go down as far as we should and take it down there.

MR. STRAIN: Do you know if there were any holes that were stopped because they couldn't get through the bottom rock?

WITNESS FISHBURN: No.

MR. STRAIN: You never heard of anybody discussing that problem?

WITNESS FISHBURN: No.

MR. STRAIN: When did you first start drilling test holes?

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WITNESS FISHBURN: From the time I first started to work in the South Dip Skidmore.

MR. STRAIN: That was about eight months to a year; is that correct?

WITNESS FISHBURN: Yes, sir.

MR. STRAIN: Do you remember what the location was?

WITNESS FISHBURN: When I started to work in the South Skidmore -- about Number 6 or 7 Breast.

MR. STRAIN: Did you have any confidence in people working in the gangway on March 1 for drilling test holes?

WITNESS FISHBURN: Yes.

MR. STRAIN: Why did you have confidence?

WITNESS FISHBURN: Because that Friday before that week, that Friday, I had worked with two other men that Friday; and when I worked with them, they drilled good test holes.

MR. STRAIN: Who was that that you worked with?

WITNESS FISHBURN: We called him McGee. I don't really know his name. And, Rick Long from Shamokin, Ricky -- it isn't Long; it is Ricky Steinhart.

MR. STRAIN: Were these people in the mine on March 1?

WITNESS FISHBURN: No. They were second shift.

MR. STRAIN: When the water broke in, what happened then?

WITNESS FISHBURN: Well, the counter chute, where Gary and I were in, was completely filled from where we were

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back up into, about, the Skidmore. It was filled with water, and we were under water. The counter chute had busted loose with the pressure of the water; and, when the counter chute got busted loose, we got washed out with it.

MR. STRAIN: When did your head first get out of water?

WITNESS FISHBURN: When I seen the light looking down at me, and it was young Jim McHale had seen me coming and had grabbed me and pulled me to the side. I was half unconscious. I didn't know where I was until about 15, 20 minutes later.

MR. STRAIN: Okay, that's all the questions I have.

MR. PHARES: Mr. Fishburn, why haven't you returned to work yet?

WITNESS FISHBURN: I am being treated by an ear specialist in Reading.

MR. PHARES: Mr. Fishburn, you received your subpoena last week sometime; is that correct?

WITNESS FISHBURN: Yes, sir.

MR. PHARES: Did you know about the hearing before that?

WITNESS FISHBURN: No, sir.

MR. PHARES: I have no further questions.

MR. VICINELLY: I have two questions from the audience. One is: What spacing pattern of test holes in the ribs at the gangway -- what was the spacing on your rib?

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WITNESS FISHBURN: We took the heighth -- from the bottom of the gangway we took the heighth up to the collar; it is about 99 inches or 102 inches.

So, from the rib hole on the top to the center hole would be somewhere around three, four, four-and-a-half feet; and then from that one it would be the same distance to the one on the bottom.

MR. VICINELLY: Okay. Your distance between your lower flank hole from the one that was drilled on the previous cut to the one that you are drilling?

WITNESS FISHBURN: Oh, it would be about six foot.

MR. VICINELLY: And on the top rib?

WITNESS FISHBURN: It would be about the same.

MR. VICINELLY: Six feet?

WITNESS FISHBURN: Yes.

MR. VICINELLY: Have you met with company officials before your testimony here?

WITNESS FISHBURN: Yes, sir.

MR. VICINELLY: What was said?

WITNESS FISHBURN: They just told us to go down to the tunnel, and they called us in; and they told us that we would be going to this here hearing; that it wasn't a court hearing, or something. Then they explained what the procedures were. That was it.

MR. VICINELLY: Who was at that meeting? Were you

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there alone?

WITNESS FISHBURN: No. There was about nine, ten of us.

MR. VICINELLY: I would like to get back to when you come down off the counter chute, the water took you down off the counter chute; did I understand you to say that?

WITNESS FISHBURN: Yes, sir.

MR. VICINELLY: Then what took place, and how were you able to escape?

WITNESS FISHBURN: Well, like I say, young McHale had seen me and he grabbed me and pulled me to the side; and then I started to come through and I realized where I was.

I didn't have no light or nothing on me. Everything was tore off.

So, Joe Narcavage was out ahead of us, and he was waving his light; and the water in the gangway was over our heads. We were floating.

He waved his light and he was yelling, but we couldn't hear him because of the water rushing out. He tied his coat around -- at the main outlet he tied his coat around the air hole to get out; and, then we made our way down to where the air hole was and we crawled out.

MR. VICINELLY: When the water got you, you were at the gangway?

WITNESS FISHBURN: I was at the main gangway; not the

j42

upper gangway. On the counter chute was where I was. We were on the counter chute.

MR. VICINELLY: You came down over the counter chute?

WITNESS FISHBURN: Yes, sir; and I got washed back in the old Skidmore Gangway.

MR. VICINELLY: What route did you use to escape?

WITNESS FISHBURN: The air hole going up the old Skidmore vein; where the old Skidmore was worked back that way, and we were working the other way, there is an air hole going out up through, and we went up that way; that they had drilled up to the top for the purpose of escape.

MR. VICINELLY: Where was the last place that you saw Gary Klinger?

WITNESS FISHBURN: Well, I was on a prop near the rib, and Gary was on a prop in the center of the chute; and, the last time I saw Gary was when I looked up as I was going under water.

MR. VICINELLY: Is this up in the counter chute?

WITNESS FISHBURN: Yes. The counter chute was here and the platform here; and, we had made it out of the counter chute onto the platform. But we couldn't make it down because all the debris had blocked the way and there was two props there that they had sitting across collars, you know, to support the sides of the counter chute, and we had crawled up them.

MR. VICINELLY: Okay. Now, where did Narcavage pull

j43

you, or signal you? Where was he?

WITNESS FISHBURN: Not Narcavage.

MR. VICINELLY: Who was it?

WITNESS FISHBURN: McHale.

MR. VICINELLY: McHale?

WITNESS FISHBURN: Yes.

MR. VICINELLY: Where was he at?

WITNESS FISHBURN: He was several hundred feet washed past the escapeway where, when I started to come up, he seen me and then grabbed me.

MR. VICINELLY: Did McHale come up the second escapeway with you?

WITNESS FISHBURN: Yes, sir.

MR. VICINELLY: Does anyone have any further questions?

MR. PHARES: When was this meeting with the company officials?

WITNESS FISHBURN: Last week.

MR. PHARES: Was there any discussion at all, by anyone at that meeting, about drilling test holes?

WITNESS FISHBURN: No, sir.

MR. PHARES: I have no further questions.

MR. VICINELLY: Any other questions?

(No response.)

MR. VICINELLY: Thank you.

(Witness excused.)

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MR. COOK: At this time we would like to have Mr. Joseph Narcavage, please.

Whereupon,

JOSEPH NARCAVAGE

having been duly sworn, testified as follows:

MR. PHARES: Please state your name, and spell it.

WITNESS NARCAVAGE: My name is Joseph Narcavage, N-a-r-c-a-v-a-g-e, and I am from Mount Carmel, Pennsylvania.

MR. PHARES: Mr. Narcavage, before we begin the questioning I want you to understand that this is a formal investigatory hearing, and a written transcript is being made of the statements taken.

You have the right to have counsel present while you are testifying. You may consult with counsel before answering any question, and you may refuse to answer any question until you have had an opportunity to consult with counsel of your choice.

You also have the right not to make any statement which might lead to your conviction of any state or federal offense.

You should understand that any statement which you make can be used against you in any court action arising out of this matter.

If you do not understand a question, you have a right to have it clarified before you give an answer.

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Do you understand the rights which I have just explained to you?

WITNESS NARCAVAGE: Yes, sir.

MR. PHARES: Thank you.

MR. COOK: Mr. Narcavage, how long have you worked at the Porter Tunnel Mine?

WITNESS NARCAVAGE: Approximately one year.

MR. COOK: How long have you worked in the West Skidmore Gangway section?

WITNESS NARCAVAGE: Well, when I first came to Porter Tunnel I worked on the east side on the re-timbering crew with Claude Knarr; that was by the seven-foot vein, and I was switched to the West Skidmore, down where the accident occurred, approximately about two months after I had been at the tunnel.

MR. COOK: So, you have been there about ten months?

WITNESS NARCAVAGE: Give or take. I was off for a period of time with an appendix operation.

MR. COOK: What is your occupation, Mr. Narcavage?

WITNESS NARCAVAGE: Presently?

MR. COOK: Presently; yes, sir.

WITNESS NARCAVAGE: I am employed by American Cairn Foundry in Milton as a work measurement analyst with the Industrial Engineering Department.

MR. COOK: What was your occupation with the Porter

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Tunnel Mine when you last worked there?

WITNESS NARCAVAGE: First I started as an operator on the line. At that time, when I started, they only had one line in, that was the first section. This was my responsibility; to operate the line at the head piece and maintenance on the machine, which entailed greasing; when a chain would tear we would get help from other people and fix the line; replacing broken paddles and replacing broken pans.

This was principally my job.

MR. COOK: So, most all of your work in the Skidmore Gangway section was on the conveyor chute line?

WITNESS NARCAVAGE: That is correct.

MR. COOK: Did you ever have occasion to go to the face of the gangway?

WITNESS NARCAVAGE: The gangway; yes, sir.

MR. COOK: What were the occasions that you had to go there for?

WITNESS NARCAVAGE: Well, when we had the second line, various difficulties arose; like, let's say a paddle would be jammed underneathe in the housing and the lip underneathe, and this would take you in to where the face of the gangway -- because, usually, after material was carried through on the chain, it would usually get caught toward the end; and this is the occurrences that we were back there.

MR. COOK: So, your job is primarily the maintenance

of the conveyor?

WITNESS NARCAVAGE: And operation; yes, sir.

MR. COOK: Where were you at the time of the accident?

WITNESS NARCAVAGE: I was out at the first head piece, running that first section of conveyor line.

MR. COOK: You were at the head piece?

WITNESS NARCAVAGE: Yes, sir.

MR. COOK: Right where the conveyor dumps into the counter chute?

WITNESS NARCAVAGE: No, sir.

MR. COOK: At the other end.

WITNESS NARCAVAGE: Yes, sir.

MR. COOK: You were at the Number 1 Conveyor Head Piece?

WITNESS NARCAVAGE: Yes, sir. I could see the counter chute from where I was standing.

MR. COOK: From where you were.

WITNESS NARCAVAGE: But I was no way near the end that it dumps off; no.

There was a control handle there, and you position your body exactly around this point, so in case of any emergency, you could switch off the conveyor, or what.

MR. COOK: What was your first knowledge that an accident had occurred?

WITNESS NARCAVAGE: Well, in compliance with federal

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regulations, I always wore my earplugs when working around the conveyors, because I realize that the decibel level is far more than a human ear can tolerate.

So, what really prompted me to turn around was, I guess, when my co-worker, Bruce Smith, blew the horn. You could hear that above the motor sound of the conveyor; and, as I turned, all I could see was a wall of water coming at me.

That was just at Number 3 Chute. That is when I actually saw the water.

MR. COOK: At about Number 3 Chute?

WITNESS NARCAVAGE: Yes, sir.

MR. COOK: What did you do at that time?

WITNESS NARCAVAGE: Well, I know that it has been stressed many times, if there is water, you get to higher elevation in order to, you know, preserve your own life and anybody you can help get to higher elevation.

But, at this point in time, I had no alternative but to go down the manway, because if I would have made a break for Number 3 Chute, I would never have made it.

So, what I did was took a few steps and just jumped from the top of the manway, down into the manway, and then went right down.

MR. COOK: Were you in water?

WITNESS NARCAVAGE: Yes, sir. The water was right on my heels. The majority of the water must have went into the

j49

counter chute. It had a tremendous force with it, which I could see, because everything was moving out toward me. So, I just imagined for a split second that it must be a tremendous amount of water coming.

MR. COOK: How did you escape from the mine?

WITNESS NARCAVAGE: Well, I went down in a rush of water down the manway, and the last thing I remember seeing coming down the manway was Harry and young Gary Klinger; they were on the platform, and I just was washed right out.

When I got up on my feet to think what we were going to do, already the water was coming down; and, another co-worker, Jim McHale, he was operating the motor which pulls the mine cars and stores them with coal in them -- we just said, "we have got to get out of here," and I said, "let's go through the second opening." Then we proceeded to make our way toward the second opening.

The force of the wind must have blown the big door open -- that was used as an air battery -- because that door was open. So, the rush of air that came through the mine must have blew that open, because if it was the case that the door was closed, we would have never been able to open it against the current.

But, by the time we got to the door, the water was already, I would say, maybe about eight feet deep; and, Jim, he had gotten on a timber cart, and I took the alternative to

j50

stay in the water, you know.

We worked our way over to the ladder, and about that time, we got separated, and Jim was on the timber cart; he was washed back into the old workings.

I clung to a lash pump by the ladder. At this time, water must have been coming down through the heading, if you were in the counter chute, across and down the airway, because there was water coming down there.

So, I figured if it continued to come and the water continued to rise, I was going to also go back in -- to make my way as far back as I could, you know, and try to get up high and stay out of the water. But, we were in the water all the time.

I would say -- I couldn't give you any time, because I just wasn't thinking about time. But, after a period of time, the water stopped coming down the second opening. I could see Jim's light and I could shake to him and give him a signal "Is he all right?", and he waved "Okay."

I took off my jacket and I opened the door. There was no -- a few little pieces of debris, but nothing that would obstruct your passage up the second outlet.

I took my jacket off and I tied it around the leg of the timber, the setback the ladder was attached to, that he would know that the passageway was clear. I went up through looking for anybody else that might have came over into the

j51

airway. I passed the opening, the monkey opening that comes across the rock coals from the middle split, and I went up and I checked at the drag and I didn't find anybody; then I went outside.

I never knew that Jim had found Harry down in the water. I did not know that when I went out.

MR. COOK: You were just aware that he was all right.

WITNESS NARCAVAGE: He was all right. He shook that he was okay.

MR. COOK: What kind of training did you receive at the mine when you first went to work there, Mr. Narcavage?

WITNESS NARCAVAGE: Well, the rules were explained by the foreman. This was not only when I went, this was stressed -- rules were always stressed as you worked there.

I had a school for self rescuer. All the escape routes were shown to us; you know, what to do in particular situations.

It was like a combined effort between the working miners in there with experience and the management in the mine. It was concerned with safety.

This is my opinion, because I was always told if I had a question -- I wasn't afraid to ask, and I always received a comply, a proper comply that, you know, in case of emergency would possibly save your life.

MR. COOK: On the day of the accident had there been

j52

anything that occurred that made you think that things were not going well that day; any reason to suspect --

WITNESS NARCAVAGE: It was a very normal day, very normal. Nothing out of the ordinary, to my knowledge, occurred that day that would say this accident was going to occur.

MR. COOK: You mentioned that you are now working for another company. Had you gone back to work in the mine after this accident?

WITNESS NARCAVAGE: No, sir. It kind of put the fear of God into me, and I am not ashamed to admit it.

MR. COOK: Mr. Vicinelly.

MR. VICINELLY: Joe, you stated that in some instance you were up at the face of the gangway. During a shift, how many times, or how often, did you go up to the face of the gangway?

WITNESS NARCAVAGE: Well, it depended on the --

MR. VICINELLY: On an average.

WITNESS NARCAVAGE: I would say, in certain instances, maybe -- if they needed help lifting some piece of equipment or timber, if might be five times a day. I couldn't give you an exact time on an average, how many times a day, because it varied with every day on the job. It depended on circumstance.

MR. VICINELLY: During the time that you were up at the face of the gangway, did you ever observe them drilling test holes?

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WITNESS NARCAVAGE: Yes, sir; I did.

MR. VICINELLY: What holes did you observe them drilling? You know, which was it, the center hole, or all holes, or one hole, or what did you observe?

WITNESS NARCAVAGE: Well, I was usually always in the process of running the conveyor, and if we did have time to be back there, it was only for maybe to see a center hole or a flank hole or something like that. I never stayed and watched them drill up the hole face, because I had my job to do, and I was just concerned that my job had to be done.

But, I did see them drill ahead; yes, sir.

MR. VICINELLY: When you said "flank holes," did you observe them drilling flank holes?

WITNESS NARCAVAGE: Yes, sir. One time.

MR. VICINELLY: Did you observe them drilling the bottom flank holes during the time that you were up there?

WITNESS NARCAVAGE: What do you mean by "bottom flank holes?"

MR. VICINELLY: Your lower flank hole, I meant to say. Your seam is on a pitch.

WITNESS NARCAVAGE: Yes, sir.

MR. VICINELLY: The bottom flank hole, I guess that is bituminous terms; but, your lower flank hole, did you ever observe them drilling holes in?

WITNESS NARCAVAGE: I couldn't say, just recall, if I

j54

ever watched them drill a lower flank hole, where the holes were. But, I know they did drill ahead, because they would say, "We are going to drill ahead," and we had free gratis with the conveyor. They weren't mugging any rock out of the gangway onto the conveyor, so this is how we communicated.

They would be in there drilling ahead. We would go in to give them information; we wanted to have communication so nobody got caught up in the tail piece or anything. This is -- you would see them drilling ahead. It wasn't drilling for a cut, but they were boreholing ahead.

MR. VICINELLY: You say you heard the signal or the horn blowing. Was it just a blast, or was it a continuous blow?

WITNESS NARCAVAGE: One short blast; that is all.

MR. VICINELLY: I have no other questions.

MR. COOK: Mr. Shober, do you have any questions?

MR. SHOBER: No.

MR. COOK: Mr. Tisdale.

MR. TISDALE: I was just wondering, Mr. Narcavage, had you heard anybody discuss the required drill pattern for the test holes? Do you know what it was?

WITNESS NARCAVAGE: No. I had no relevancy to mining. I had no mining --

MR. TISDALE: I understand that your work was not related to drilling and blasting in the face, but I just

j55

wondered if you had heard some comments or discussions on what the required test hole pattern was.

WITNESS NARCAVAGE: It was common knowledge that they were drilling ahead, and this was stressed by the foreman. They checked quite often to make sure that people were drilling ahead.

I would have to say that they did a fairly excellent job on coming around and making their rounds and helping the men along, in my opinion.

But, as far as where you had to drill the holes or how far, I have some idea, but it is just hearsay, you know, talk; that is all it was.

MR. TISDALE: Thank you.

I don't have anymore questions.

MR. COOK: Mr. Strain.

MR. STRAIN: Were you aware that there were any abandoned workings anywhere near where you were working?

WITNESS NARCAVAGE: Yes, I was.

MR. STRAIN: Where was that?

WITNESS NARCAVAGE: If I was aware that there were abandoned workings that we were going across as we were driving this gangway in? Is that what you mean?

MR. STRAIN: What workings were you aware of? Where did you think they were?

WITNESS NARCAVAGE: Well, everyone said that we would

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cross the slope of an abandoned mine. This is what I was under the impression was going to happen.

MR. STRAIN: Where did they expect to encounter it?

WITNESS NARCAVAGE: I couldn't tell you that. Like I said, I was not mining in the face, and I really didn't know what kind of plans they had made or when they expected to encounter it.

MR. STRAIN: Who had told you this?

WITNESS NARCAVAGE: It was just talk among the miners, that is all. It didn't come from management, or anything. It was just talk that went around; that there were abandoned workings in this particular section, and that we would hit them, and that there probably would be water. This was common knowledge.

MR. STRAIN: If they were loading coal on any given day, would you note that? Would you know whether or not they were loading coal?

WITNESS NARCAVAGE: Yes. If there wasn't any coal coming down the line, they weren't loading it.

MR. STRAIN: Would you also be aware of when they were setting off blasts?

WITNESS NARCAVAGE: Yes, you would. You could feel the concussion, and many times you could hear it.

Now, when they blasted in the gangway, if you were out at the first head, you could hear the shots come over the

j57

phone. You know, you just could hear them.

MR. STRAIN: Did they blast at the gangway at the same time they blasted up at the monkey heading? Did they do it separately, or what?

WITNESS NARCAVAGE: I couldn't tell you that. Probably separately. I don't believe they do it at the same time.

MR. STRAIN: How many blasts would you have on an average day?

WITNESS NARCAVAGE: That varied upon conditions. Again, there are a lot of variables in there, in that maybe one job wouldn't be going bad and maybe one day you would have just one job firing one cut, and on another given day maybe you would have maybe two cuts being fired.

This varied with conditions as you worked along.

MR. STRAIN: Would it ever be two cuts in the same working section; say, two cuts from the gangway?

WITNESS NARCAVAGE: Impossible to take two cuts. I mean, per shift, because you have to timber -- you knock the cut out, timber it up, and then you would have to drill it up. You drill your holes ahead, drill it up, and then fire again.

For one shift to get two cuts out of the gangway, why, it is relatively impossible for one shift. When I was there, that is -- I never saw them get two cuts in one shift; no.

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MR. STRAIN: Had you heard a blast on March 1?

WITNESS NARCAVAGE: I couldn't tell you that; no. I said I was at a machine that had a high decibel rate of noise. When this machine was running I -- like I say, with earplugs in, it is very difficult to hear anything.

If somebody did fire, and we were running, maybe, on the conveyor, that didn't affect us running the conveyor if they fired up in the pitch.

No. I couldn't tell you if I heard one that day or not.

MR. STRAIN: Thank you. That's all my questions.

MR. COOK: Mr. Phares.

MR. PHARES: I have no questions.

MR. COOK: Thank you, Mr. Narcavage.

(Witness excused.)

MR. COOK: We would like to have, at this time, Mr. James McHale, Jr.

Whereupon,

JAMES MC HALE, JR.

having been duly sworn, testified as follows:

MR. PHARES: Would you please state your name, and spell it?

WITNESS MC HALE: James McHale, M-c-H-a-l-e.

MR. PHARES: What is your address, Mr. McHale?

WITNESS MC HALE: 340 South Market Street,

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Mount Carmel.

MR. PHARES: Mr. McHale, before we begin the questioning I want you to understand that this is a formal investigatory hearing, and a written transcript is being made of the statements taken.

You have the right to have counsel present while you are testifying. You may consult with counsel before answering any question, and you may refuse to answer any question until you have had an opportunity to consult with counsel of your choice.

You also have the right not to make any statement which might lead to your conviction of any state or federal offense.

You should understand that any statement which you make can be used against you in any court action arising out of this matter.

If you do not understand a question, you have a right to have it clarified before you give an answer.

Do you understand the rights which I have just explained to you?

WITNESS MC HALE: Yes, I do.

MR. PHARES: Thank you.

MR. VICINELLY: Jim, where were you working the day of the accident?

WITNESS MC HALE: I was running a motor down in the

j60

main tunnel.

MR. VICINELLY: What were your duties? What are the duties of a motorman?

WITNESS MC HALE: To switch the cars and take out -- help the Diesel take out the trips.

MR. VICINELLY: How long have you worked at this position?

WITNESS MC HALE: Around six months.

MR. VICINELLY: How long have you worked at the Porter Tunnel?

WITNESS MC HALE: It will be almost two years.

MR. VICINELLY: Did you work at any other mines?

WITNESS MC HALE: No, I haven't.

MR. VICINELLY: Prior to going on as a motorman, what were your duties, or what duties did you perform?

WITNESS MC HALE: Before that I was working on the conveyor up in the third gangway.

MR. VICINELLY: In what gangway, Jim, West Skidmore?

WITNESS MC HALE: Yes.

MR. VICINELLY: During the time that you worked in the Porter Tunnel, did you ever go up to the gangway, the face of the gangway?

WITNESS MC HALE: Yes.

MR. VICINELLY: And, when you did, what did you do up there?

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WITNESS MC HALE: I only helped to carry in the timber.

MR. VICINELLY: Did you ever work at the face of the monkey?

WITNESS MC HALE: For one day, a long time ago, yes.

MR. VICINELLY: When you were up in the gangway, did you ever observe them drilling test holes?

WITNESS MC HALE: No, I didn't.

MR. VICINELLY: Did you ever observe them drilling test holes in the monkey?

WITNESS MC HALE: No. I was only up there to help carry up the timber; then I went right back down.

MR. VICINELLY: How much of this time was spent at the face?

WITNESS MC HALE: Just a matter of minutes. I just carried up the timber to help them out.

MR. VICINELLY: When were you first aware that you had a problem with Porter Tunnel, when we had the break-in?

WITNESS MC HALE: When I heard the air coming.

MR. VICINELLY: Did the air hit you down -- you were in the rock tunnel; is that correct?

WITNESS MC HALE: Yes.

MR. VICINELLY: Did the air hit you in the rock tunnel?

WITNESS MC HALE: Yes, I felt the air.

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MR. VICINELLY: Did you see the water coming?

WITNESS MC HALE: Yes, I did.

MR. VICINELLY: Where were you at when you -- let me ask you this: After you heard the air, how long was it that the water came?

WITNESS MC HALE: Just as soon as the air came, the water was right after it. A second at the most.

MR. VICINELLY: Were you in water?

WITNESS MC HALE: Yes, I was.

MR. VICINELLY: When did you see Mr. Fishburn?

WITNESS MC HALE: I saw him back later in the tunnel, like. He popped his head out of the water.

MR. VICINELLY: Where was that in the tunnel? How far out by from the counter chute?

WITNESS MC HALE: Approximately about 100 feet. That wasn't in the main tunnel. It was the other side of it.

MR. VICINELLY: It wasn't in the main tunnel?

WITNESS MC HALE: No.

MR. VICINELLY: Did you see Gary Klinger?

WITNESS MC HALE: No, I didn't.

MR. VICINELLY: How did you escape from there?

WITNESS MC HALE: When the water came, Narcavage, me and him, we went and tried to get out the second opening. We went up there. He opened the trap door. The water forced me back down, approximately, 100 feet back into the tunnel. That

j63

is where I saw Harry Fishburn.

Then we crawled out on one of the timbers and up the ladder.

MR. VICINELLY: When you went up the ladder, who all was with you?

WITNESS MC HALE: Just me and Harry went up there. Narcavage was already up.

MR. VICINELLY: I have no other questions.

Joe.

MR. COOK: Mr. McHale, you operated the battery locomotive?

WITNESS MC HALE: That particular day, yes.

MR. COOK: Was that normally the locomotive that you operated?

WITNESS MC HALE: Yes.

MR. COOK: Did you gather coal from any other section, or did you work just at the West Skidmore section?

WITNESS MC HALE: Just at that place.

MR. COOK: Just there?

WITNESS MC HALE: Yes.

MR. COOK: And, of course, you would change out the loads, set the loads off, and set the empties back in?

WITNESS MC HALE: Right.

MR. COOK: Did you also handle the timbers going back on the West Skidmore section?

j64

WITNESS MC HALE: In the mornings, the morning men would help them, heist them up, or just hooked up the cable.

MR. COOK: So, you would help them load, put the cables on, and they would take them up to the counter chute?

WITNESS MC HALE: Right.

MR. COOK: Had there been any increase in the amount of timbers being used in the last month or so?

WITNESS MC HALE: Oh, yes.

MR. COOK: They were using more timbers than they normally had been?

WITNESS MC HALE: Yes.

MR. COOK: Do you know of any reason why that was taking place?

WITNESS MC HALE: No, I don't.

MR. COOK: Have you heard any comments related to it?

WITNESS MC HALE: All I knew is that we were just re-timbering the place and reinforcing it.

MR. COOK: You say you worked at this mine for two years?

WITNESS MC HALE: Almost two years.

MR. COOK: And you have been working on the locomotive for about six months?

WITNESS MC HALE: Yes.

MR. COOK: What did you do the other 18 months, primarily?

j65

WITNESS MC HALE: When I started we were re-timbering; I believe it was the Skidmore and the seventh --

MR. COOK: Rehabilitation type work, cleaning up old works?

WITNESS MC HALE: Yes.

MR. COOK: Did you ever work in a face area, a gangway, or a monkey airway?

WITNESS MC HALE: In a monkey airway, yes.

MR. COOK: Did you have occasion to drill test holes while you were working in the monkey airway?

WITNESS MC HALE: This was in the Top Split Gangway that I worked in.

MR. COOK: Did you drill test holes in the Top Split?

WITNESS MC HALE: No.

MR. COOK: What kind of training did you receive at this mine, Mr. McHale, safety training?

WITNESS MC HALE: Safety training?

MR. COOK: Yes.

WITNESS MC HALE: Well, guys came to the mines, showed us, like, safety lights and all that. Then, with the head miner; I was his apprentice.

MR. COOK: On-the-job type training?

WITNESS MC HALE: Yes.

MR. COOK: Had you been trained in first-aid, for example?

j66

WITNESS MC HALE: No.

MR. COOK: The use of escapeways?

WITNESS MC HALE: Yes.

MR. COOK: I don't have any further questions.

MR. VICINELLY: Jim.

MR. SHOBER: Jim, did you have cause to visit the face of the gangway lately, West Skidmore Gangway?

WITNESS MC HALE: Did I?

MR. SHOBER: Yes.

WITNESS MC HALE: No.

MR. SHOBER: Did you ever hear the workmen talk about the test drilling that they were doing periodically?

WITNESS MC HALE: Yes, I did.

MR. SHOBER: Did you remain on the same shift while you worked at Porter Tunnel, or did you swing shifts?

WITNESS MC HALE: I was first shift.

MR. SHOBER: Did you ever notice an increase, decrease, or that production remained about the same for the West Skidmore Gangway?

WITNESS MC HALE: Well, before this accident happened it was decreasing slightly.

MR. SHOBER: Okay. Thank you.

MR. COOK: Jack.

MR. TISDALE: No questions.

MR. VICINELLY: Dennis.

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MR. STRAIN: Jim, when you heard the people speak about drilling, did they mention any difficulty that they were having doing the drilling?

WITNESS MC HALE: No. All I know is that they were talking about that they were drilling ahead.

MR. STRAIN: Did anyone mention any abandoned workings in the area that they might be looking for?

WITNESS MC HALE: I personally do not know.

MR. STRAIN: That is all the questions I have.

MR. VICINELLY: Bob.

MR. PHARES: I have no questions.

MR. VICINELLY: Thank you, Jim.

(Witness excused.)

MR. COOK: At this time we would like to take a 15-minute break.

(Recess.)

MR. COOK: We will call the hearing back to order.

At this time we would like to have Mr. Richard Steinhart.

Whereupon,

RICHARD STEINHART

having been duly sworn, testified as follows:

MR. PHARES: Please state your name, and spell it?

WITNESS STEINHART: Richard Steinhart, S-t-e-i-n-h-a-r-t.

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MR. PHARES: What is your address?

WITNESS STEINHART: 854 West Walnut Street, Shamokin.

MR. PHARES: Mr. Steinhart, before we begin the questioning, I want you to understand that this is a formal investigatory hearing. A written transcript is being made of the statements taken.

You have the right to have counsel present while you are testifying, and you may consult with counsel before answering any question. You may refuse to answer any question until you have had an opportunity to consult with counsel of your choice.

You also have the right not to make any statement which might lead to your conviction of any state or federal offense.

You should understand that any statement which you make can be used against you in any court action arising out of this matter.

If you do not understand a question, you have the right to have it clarified before you give an answer.

Do you understand the rights which I have just explained to you?

WITNESS STEINHART: Yes.

MR. PHARES: Thank you.

MR. VICINELLY: Richard, what was your occupation?

WITNESS STEINHART: I was a laborer in the gangway.

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MR. VICINELLY: How long have you worked in the anthracite mines?

WITNESS STEINHART: About ten-and-a-half years.

MR. VICINELLY: Was all this experience in the Porter Tunnel?

WITNESS STEINHART: Yes.

MR. VICINELLY: How long have you worked at the Skidmore section?

WITNESS STEINHART: Two-and-a-half months.

MR. VICINELLY: Where did you work prior to that?

WITNESS STEINHART: In the gangway.

MR. VICINELLY: In the gangway?

WITNESS STEINHART: In the conveyor gangway, yeah. Up at the Skidmore.

MR. VICINELLY: Up at the Skidmore?

WITNESS STEINHART: Yeah.

MR. VICINELLY: Then all of your experience has been in the Skidmore?

WITNESS STEINHART: No. I was working loading for the rest of the time. I was just two-and-a-half months up in the gangway. The rest of the time I was working on the motor, loading coal.

MR. VICINELLY: Who did you work with?

WITNESS STEINHART: Charlie McGee. He is the head miner.

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MR. VICINELLY: McGee?

WITNESS STEINHART: Right.

MR. VICINELLY: And, who else? Was that all?

WITNESS STEINHART: Smith -- what is his name? I forget what his first name is, but it is a Smith, I know.

MR. VICINELLY: McGee was the lead miner?

WITNESS STEINHART: Right.

MR. VICINELLY: How long have you worked with Mr. McGee?

WITNESS STEINHART: Two-and-a-half months.

MR. VICINELLY: On the last day that you worked prior to the disaster, was there anything unusual at the face?

WITNESS STEINHART: No.

MR. VICINELLY: How many cuts did you blast the day before the break-in?

WITNESS STEINHART: We didn't blast any.

MR. VICINELLY: What did you do?

WITNESS STEINHART: Well, we cleaned up, and then we timbered; and that was it. That was Monday night.

MR. VICINELLY: The shift before the disaster, you did not drill any test holes, or drill holes for blasting?

WITNESS STEINHART: No. We just cleaned up, and then we timbered. It was up to the next shift to drill.

MR. VICINELLY: On previous shifts, did you drill test holes?

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WITNESS STEINHART: Yes.

MR. VICINELLY: How did you drill your test holes?

WITNESS STEINHART: We drilled one down 26 feet, one straight in 26 feet, and one up along the pitch.

MR. VICINELLY: What was the spacing between your test holes, referring to your down holes and your up holes?

WITNESS STEINHART: The distance between?

MR. VICINELLY: Yes.

WITNESS STEINHART: Oh, it would be about three or four feet.

MR. VICINELLY: What size cuts were you taking?

WITNESS STEINHART: Six.

MR. VICINELLY: Were you drilled test holes determined by the size of the cut you were taking?

WITNESS STEINHART: The test holes?

MR. VICINELLY: Yes. Your down holes and your up holes.

WITNESS STEINHART: That is where you got me. I don't know.

MR. VICINELLY: Let me see if I can clear that up. The test holes that you drilled down and up in your flanks --

WITNESS STEINHART: Yes.

MR. VICINELLY: -- were they determined by the size cuts you were taking, or was there a set figure that you had to put the test holes in on?

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WITNESS STEINHART: We always drilled them 26 feet.

MR. VICINELLY: I am talking the distance between them; not the depth.

WITNESS STEINHART: That is where you got me. I don't know.

MR. VICINELLY: Well, from the last hole that was drilled to the next hole, what was the distance between it?

WITNESS STEINHART: About four feet.

MR. VICINELLY: Did you encounter any problems in drilling the test holes?

WITNESS STEINHART: No.

MR. VICINELLY: Did you ever have problems with your drill steels stuck?

WITNESS STEINHART: Yes. There was a problem out farther, but we got it. It just stuck a little bit. It was damp, you know. That was it.

MR. VICINELLY: The last day that you worked prior to the disaster, was there any difference in the type of material that you were drilling? Was it harder, softer, did you encounter water?

WITNESS STEINHART: No, not really. It was the same as it was usually.

MR. VICINELLY: How often did you see the foreman?

WITNESS STEINHART: The foreman? He came in a couple of times a shift.

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MR. VICINELLY: Did you ever see the foreman check the holes?

WITNESS STEINHART: Yes.

MR. VICINELLY: How did he check them?

WITNESS STEINHART: How did he check them?

MR. VICINELLY: Yes.

WITNESS STEINHART: Well, he stuck the steels in when we were drilling. He was there a couple of times when we drilled ahead.

MR. VICINELLY: If you drilled the face and your test holes and you blasted the face, after you cleaned up could you still observe the lower bottom test hole?

WITNESS STEINHART: The bottom one, the lower one?

MR. VICINELLY: Yes.

WITNESS STEINHART: Yes.

MR. VICINELLY: It could be observed?

WITNESS STEINHART: Yes.

MR. VICINELLY: The last week before the disaster did you see any difference in water conditions?

WITNESS STEINHART: No. It was the same.

MR. VICINELLY: Was the gangway wet? Was it dry?

WITNESS STEINHART: Well, it was wet a little bit. There always was a little bit of water running, dripping down.

MR. VICINELLY: Did you ever have occasion to go up into the monkey?

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WITNESS STEINHART: No. I was never up.

MR. VICINELLY: What did you use to drill test holes?

WITNESS STEINHART: What did we use? A coal steel, drill.

MR. VICINELLY: Did you use the same drill to drill your test holes as you did for your blasting holes?

WITNESS STEINHART: Yes, in the coal. The same drill steels.

MR. VICINELLY: How about the same drill?

WITNESS STEINHART: The same drill in the coal. In the rock we had a jackhammer.

MR. VICINELLY: Why would you drill holes in the rock?

WITNESS STEINHART: Well, we had to fire a little rock on the one side.

MR. VICINELLY: On what side, the top side or the bottom side?

WITNESS STEINHART: Well, it would be the top side.

MR. VICINELLY: The top side?

WITNESS STEINHART: Yes. We had three or four rock holes.

MR. VICINELLY: During the time that you were working in the gangway or working in the Skidmore, did you ever hear them say anything about tapping water off?

WITNESS STEINHART: Yes, I was over there in the chute, out at Number 8. I heard them say about it.

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MR. VICINELLY: Did you ever observe them tapping water off?

WITNESS STEINHART: No.

MR. VICINELLY: Were you aware that there were abandoned workings ahead of you?

WITNESS STEINHART: Yes.

MR. VICINELLY: Who informed you of that?

WITNESS STEINHART: The foreman told us to drill ahead.

MR. VICINELLY: Who instructed you to drill test holes?

WITNESS STEINHART: Who instructed us? The miner in the gangway. He always said to drill ahead, too.

MR. VICINELLY: Did the foreman ever instruct you, or did you ever hear the foreman instruct the --

WITNESS STEINHART: Yes, he asked if we drilled. Then he was there a lot of the times when we drilled.

MR. VICINELLY: Were you ever aware that the place that you were working in was examined by the foreman?

WITNESS STEINHART: In the morning, you mean, before we come in?

MR. VICINELLY: Yes.

WITNESS STEINHART: Yes.

MR. VICINELLY: How did you determine that?

WITNESS STEINHART: What do you mean by that?

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MR. VICINELLY: How did you know that he was in there and examined them?

WITNESS STEINHART: Well, we go to see him in the morning before we go up, and he says, "I was in." Then the miner goes up and checks for gas and everything before we go in.

MR. VICINELLY: Did you ever notice a chalk mark at the face?

WITNESS STEINHART: Yes.

MR. VICINELLY: What did it have on it?

WITNESS STEINHART: It had the date and the time he was there, and his initials.

MR. VICINELLY: That's all I have.

Joe.

MR. COOK: Mr. Steinhart, did I understand you to say that you worked at the Porter Tunnel Mine for about two-and-a-half years?

WITNESS STEINHART: Right.

MR. COOK: And, you worked on the West Skidmore Gangway section for about two-and-a-half months?

WITNESS STEINHART: Right.

MR. COOK: And, you worked on the motor crew prior to going into --

WITNESS STEINHART: Yeah, I was loading coal for a while.

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MR. COOK: When you went to the West Skidmore section, was that the first time you worked in the face areas?

WITNESS STEINHART: Right.

MR. COOK: Your first experience?

WITNESS STEINHART: Right.

MR. COOK: Did you ever see a section map of the West Skidmore section?

WITNESS STEINHART: Yes.

MR. COOK: What did the map show on it?

WITNESS STEINHART: What did the map show on it?

MR. COOK: Yes -- well, let me phrase that a little differently for you.

Did it show any old workings on the map that you saw? Any abandoned workings?

WITNESS STEINHART: Well, there is a map in there now.

MR. COOK: Was there one in there prior to the inundation?

WITNESS STEINHART: Well, no.

MR. COOK: There was not; is that what you said?

WITNESS STEINHART: There was by the phone there.

MR. COOK: By the phone?

WITNESS STEINHART: Yeah.

MR. COOK: Prior to the inundation?

WITNESS STEINHART: Yes.

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MR. COOK: When you went into the West Skidmore section, about where was the face of the gangway at that time in relationship to chutes?

WITNESS STEINHART: You mean in front of the chute?

MR. COOK: Yes.

WITNESS STEINHART: When I went in it was about fifteen-and-a-half, or something like that; 15 Chute.

MR. COOK: When you first started working in the face areas of the gangway what were your instructions?

WITNESS STEINHART: My instructions?

MR. COOK: Yes, sir.

WITNESS STEINHART: Well, I was a laborer in there; help clean up and timber and drill.

MR. COOK: You mentioned on the date prior to the inundation that you all had cleaned up a cut, is that right, and then timbered back?

WITNESS STEINHART: The night before.

MR. COOK: The night before?

WITNESS STEINHART: Right, and we timbered.

MR. COOK: Normally, in the cycle of work, do you also drill and shoot the coal?

WITNESS STEINHART: I drill, and then the miner tamps it up and fires it.

MR. COOK: And fires it?

WITNESS STEINHART: Right.

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MR. COOK: Had you experienced any unusually severe coal runs? Were you timbering real heavily in that area right prior to the inundation?

WITNESS STEINHART: Not really. Just the same as usual.

MR. COOK: About the same as usual?

WITNESS STEINHART: Yeah.

MR. COOK: Did you receive health and safety training from the supervisor?

WITNESS STEINHART: Yes.

MR. COOK: What type of training did you receive?

WITNESS STEINHART: I had first-aid training, and then I had this training on the roof and rib control. I don't know, there was a lot of it I had. I can't name it all.

MR. COOK: Who normally gave you that training?

WITNESS STEINHART: There were guys there. I don't know what they are from. I guess mine inspectors or something.

MR. COOK: For the last week or so prior to the inundation, did you notice the bottom being wetter, the low side rib or the bottom being wetter than it normally had been?

WITNESS STEINHART: It was wet when I went up there. When it first started out it was a little wet.

MR. COOK: Was there much water being made in the face areas?

WITNESS STEINHART: No.

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MR. COOK: Any drippers?

WITNESS STEINHART: Yes, just usual.

MR. COOK: Just usual?

WITNESS STEINHART: Yes.

MR. COOK: You mentioned about inspectors and all. Did you have occasion to know when federal or state mine inspectors were inspecting the face of the working place?

WITNESS STEINHART: No. The only time -- when they come in, I seen them, you know; that was it.

MR. COOK: But, you had seen them in areas where you were working?

WITNESS STEINHART: Oh, yeah.

MR. COOK: Did they ever observe you drilling test holes?

WITNESS STEINHART: Not that I know of.

MR. COOK: That's all the questions I have.

MR. VICINELLY: Jim.

MR. SHOBER: Richard, was the drill pattern consistent that was used at the face of the West Skidmore Gangway? By that I mean, did you always drill one center hole and one on either flank, or rib?

WITNESS STEINHART: Right.

MR. SHOBER: Did your group ever have any trouble tamping holes before firing or pulling a cut of coal?

WITNESS STEINHART: No.

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MR. SHOBER: Did you notice if the coal, in a solid form, was damp or more moist in the face of the gangway within the last week prior to the accident?

WITNESS STEINHART: No. It seemed the same.

MR. SHOBER: Did you ever have any trouble drilling test holes?

WITNESS STEINHART: I said one time the hole was damp, and that was it. We cleaned it out, and it was okay.

MR. SHOBER: When you drilled your test holes along the low side rib --

WITNESS STEINHART: The lower rib?

MR. SHOBER: Yes. Now, you had been drilling your holes 26 feet in advance of the working place; you did say that?

WITNESS STEINHART: Right.

MR. SHOBER: Now, in the event that you drilled any holes along the low side bottom rib, and you did hit the rock before your hole was advanced to that 26-foot mark, what did you do at that time?

WITNESS STEINHART: Well, I know times that we drilled straight in and we hit rock; then we brought it a little lower. That I can remember, we drilled down and we didn't hit.

MR. SHOBER: You drilled along the pitch of the seam in the hopes that you could get beyond that?

WITNESS STEINHART: 45.

MR. SHOBER: That's all I have.

j82

MR. VICINELLY: Jack.

MR. TISDALE: Just a couple of questions, Mr. Steinhart. In drilling the lower holes, after the place was shot and cleaned up, could you see the lower holes; were they visible; could you find them again?

WITNESS STEINHART: Yeah, I guess so.

MR. TISDALE: Do you recall seeing where the previous lower hole was to determine when you would drill the next one ahead of it?

WITNESS STEINHART: Yeah -- no, not really. You would see the middle hole and then the top hole. The lower one would be down in farther. It would be filled up.

MR. TISDALE: Would it be filled up?

WITNESS STEINHART: I would imagine so. That is what I meant before. You could see the middle hole and then the top one drilled up.

MR. TISDALE: I want to ask you, did you yourself ever look for a down hole that you knew was there after the place was cleaned up?

WITNESS STEINHART: Did I?

MR. TISDALE: Yes.

WITNESS STEINHART: Not really.

MR. TISDALE: Do you know where the escapeways are?

WITNESS STEINHART: Yes.

MR. TISDALE: Have you traveled the escapeways?

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WITNESS STEINHART: I was up there already, yes.

MR. TISDALE: No more questions.

MR. VICINELLY: Dennis.

MR. STRAIN: Richard, who was your foreman?

WITNESS STEINHART: Palmer Merwine on the day shift, and Raymond Keefer on the night shift.

MR. STRAIN: Had you worked on the day shift any time?

WITNESS STEINHART: Day shift and night shift.

MR. STRAIN: Who did you work with on the day shift?

WITNESS STEINHART: On the day shift? In the gangway?

MR. STRAIN: Yes.

WITNESS STEINHART: Charlie McGee and that Smith.

MR. STRAIN: You worked with the same people in each --

WITNESS STEINHART: Yes.

MR. STRAIN: That's all the questions I have.

MR. VICINELLY: Bob.

MR. PHARES: On the night before the accident were you told to concentrate on production of coal?

WITNESS STEINHART: On the night?

MR. PHARES: On the night before the accident.

WITNESS STEINHART: What do you mean, get the coal out or something?

MR. PHARES: Yes.

WITNESS STEINHART: Well, that is usually the way it

j84

always was.

MR. PHARES: Did Mr. Keefer have a conversation with you?

WITNESS STEINHART: No.

MR. PHARES: What kind of instructions did you receive on that night from anybody?

WITNESS STEINHART: On that night?

MR. PHARES: Yes.

WITNESS STEINHART: The night before, right?

MR. PHARES: The night before, yes.

WITNESS STEINHART: We talked to the guys that come out on what was up there and what wood we had to take up and timber, and what we had to do. Then we went to the job.

MR. PHARES: I have no further questions.

MR. VICINELLY: Richard, what were the length of the test drill steels?

WITNESS STEINHART: What do you mean by that?

MR. VICINELLY: The augers that you used.

WITNESS STEINHART: The steels that we used?

MR. VICINELLY: Yes.

WITNESS STEINHART: Some were six foot; then there was four foot; then there was three-foot.

MR. VICINELLY: You say some were six.

WITNESS STEINHART: Right.

MR. VICINELLY: And the others?

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WITNESS STEINHART: Some were six; four footers; then there was three footers.

MR. VICINELLY: How many steels were in a working place?

WITNESS STEINHART: There were a pile of steels in there. There was more than enough for 26 feet. I couldn't really count them. There was plenty.

MR. VICINELLY: During the time that you worked in the gangway, was there ever a time that you could not drill a test hole on account of you didn't have enough steels?

WITNESS STEINHART: No.

MR. COOK: Mr. Steinhart, I believe you said you had been working in the gangways for at least two-and-a-half months and inby about Number 15 Chute.

WITNESS STEINHART: Fifteen-and-a-half; around in there.

MR. COOK: The Number 17 and 18 Pillars between the gangway and the monkey airway, did you have a difficult time holding those pillars?

WITNESS STEINHART: We had to put forepoles in there.

MR. COOK: You were forepoling every --

WITNESS STEINHART: Yes.

MR. COOK: Was that normal?

WITNESS STEINHART: Yes, we always forepoled.

MR. COOK: Had you been forepoling ever since you had

j86

been in that area?

WITNESS STEINHART: Yes, that I had been up there; yes.

MR. COOK: In the last two-and-a-half months, every cut you were forepoling on?

WITNESS STEINHART: Yes.

MR. COOK: Thank you.

MR. VICINELLY: Thank you, Richard.

(Witness excused.)

MR. COOK: At this time we would like to have Mr. Charles McGee, please.

Whereupon,

CHARLES MC GEE

having been duly sworn, testified as follows:

MR. PHARES: Would you please state your name, and spell it?

WITNESS MC GEE: Charles McGee, M-c-G-e-e.

MR. PHARES: Please state your address for the record.

WITNESS MC GEE: 345 California Avenue, Shenandoah Heights, Pennsylvania.

MR. PHARES: Mr. McGee, before we begin the questioning I want you to understand that this is a formal investigatory hearing. A written transcript is being made of the statements taken.

You have the right to have counsel present while you are testifying. You may consult with counsel before answering

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any question, and you may refuse to answer any question until you have had an opportunity to consult with counsel of your choice.

You also have a right not to make any statement which might lead to your conviction of any state or federal offense.

You should understand that any statement which you make can be used against you in any court action arising out of this matter.

If you do not understand a question, you have a right to have it clarified before you give an answer.

Do you understand the rights which I have just explained to you?

WITNESS MC GEE: Yes.

MR. PHARES: Thank you.

MR. COOK: Mr. McGee, how long have you worked at the Porter Tunnel Mine?

WITNESS MC GEE: Two-and-a-half years.

MR. COOK: Have you worked in any mines other than the Porter Tunnel Mine?

WITNESS MC GEE: No.

MR. COOK: That is your first mining job?

WITNESS MC GEE: Yes.

MR. COOK: In other words, prior to two-and-a-half years ago you had not worked in any mines?

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WITNESS MC GEE: No.

MR. COOK: You are the lead miner in the gangway?

WITNESS MC GEE: Yes.

MR. COOK: How long had you worked in the West Skidmore Gangway section?

WITNESS MC GEE: About five months.

MR. COOK: About where was the gangway, in relationship to chutes, when you started to work there?

WITNESS MC GEE: Seventeen-and-a-half.

MR. COOK: And you worked there about five months?

WITNESS MC GEE: Yes.

MR. COOK: Where did you work prior to going into the West Skidmore section? What was your work prior to that?

WITNESS MC GEE: I was timbering the old Skidmore on the west side, re-timbering.

MR. COOK: Had you worked in the face areas prior to going into the West Skidmore section?

WITNESS MC GEE: In the face of the gangway?

MR. COOK: The face of the gangway or the monkey?

WITNESS MC GEE: No.

MR. COOK: This is your first time doing this type of work?

WITNESS MC GEE: Yes.

MR. COOK: What were your instructions relative to drilling test holes?

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WITNESS MC GEE: To drill ahead; always drill ahead before you start your drill holes.

MR. COOK: How far ahead?

WITNESS MC GEE: Twenty-six feet.

MR. COOK: How many drill holes were you instructed to drill?

WITNESS MC GEE: Three.

MR. COOK: Where were they to be drilled?

WITNESS MC GEE: Ahead, up and below.

MR. COOK: Have you ever seen a section map of the West Skidmore section?

WITNESS MC GEE: No, I don't believe.

MR. COOK: Who normally gave you instructions relative to drilling test holes, for example?

WITNESS MC GEE: One of the foremen.

MR. COOK: Your immediate section foreman?

WITNESS MC GEE: Yes.

MR. COOK: Did you ever have any trouble drilling the test holes?

WITNESS MC GEE: No, not too much.

MR. COOK: Since you have been working in the gangway section, did you have any trouble with the high side rib trying to run down the pitch?

WITNESS MC GEE: The high side rib?

MR. COOK: Yes.

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WITNESS MC GEE: Yeah, we had trouble.

MR. COOK: Was it any worse in the last three or four weeks than it had been prior to that?

WITNESS MC GEE: Not much. A little bit; not much, though.

MR. COOK: Had you noticed any unusual signs in the face at the gangway such as water, anything coming out of the bottom?

WITNESS MC GEE: No.

MR. COOK: Nothing that alerted you to anything different?

WITNESS MC GEE: No.

MR. COOK: Had you received safety training since you have been at this mine?

WITNESS MC GEE: Yes.

MR. COOK: What type of training have you received?

WITNESS MC GEE: Well, like the self rescuers, and your safety lamps, and respiration and all that in case somebody is suffocating.

MR. COOK: How do you drill a face, or blast it? How many holes did you drill, and about how deep were the holes?

WITNESS MC GEE: Six foot, usually. It all depended how much rock there was, then you have more holes.

MR. COOK: About how many holes would you drill?

WITNESS MC GEE: Around 11 or 12.

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MR. COOK: Would you use delayed detonators?

WITNESS MC GEE: Yes.

MR. COOK: How many different delays did you use?

WITNESS MC GEE: Ten.

MR. COOK: Ten detonators would probably --

WITNESS MC GEE: More than ten.

MR. COOK: You might have zero, two or three?

WITNESS MC GEE: Well, it is straight, and then from one to ten.

MR. COOK: Were you ever able to use the test holes as one of your powder holes to shoot the face?

WITNESS MC GEE: No.

MR. COOK: What was the reason that you couldn't do that?

WITNESS MC GEE: Well, it was too far in, plus, you don't use your test holes for blasting.

MR. COOK: Did you use the same size of drill steel for both test holes and --

WITNESS MC GEE: Yes.

MR. COOK: Same size?

WITNESS MC GEE: Yes.

MR. COOK: Were you ever able to use the same test hole and drill it another six feet and get your twenty-six feet?

WITNESS MC GEE: No.

MR. COOK: You always had to drill a new test hole?

j92

WITNESS MC GEE: Yes.

MR. COOK: When did you first become aware that the section was operating near abandoned workings?

WITNESS MC GEE: For as long as I was there. When I first came up there they said to test for water all the time. They told me that as soon as I got up there.

MR. COOK: As soon as you got there you were aware of this?

WITNESS MC GEE: Yes.

MR. COOK: Did you ever observe any test holes that had drilled through into the old works?

WITNESS MC GEE: No.

MR. COOK: Mr. Vicinelly.

MR. VICINELLY: Charles, what are your duties as a lead miner?

WITNESS MC GEE: As the lead miner? Well, to go in there and see that everything is safe and then do what job there is to do; either timber, clean up, or drill.

MR. VICINELLY: Is it your responsibility to see that the apprentice miners under your jurisdiction work safely?

WITNESS MC GEE: Yes.

MR. VICINELLY: Did you ever encounter problems drilling the lower holes?

WITNESS MC GEE: No, not too much.

MR. VICINELLY: You say "not too much." You did

j93

encounter some problem?

WITNESS MC GEE: I had a little trouble with drilling, but --

MR. VICINELLY: When you encountered problems, what did you do?

WITNESS MC GEE: Just kept at it until we got down to where we were supposed to be.

MR. VICINELLY: Did you notice any change in your left lower rib, say, a week prior to, or any time that you have been working in the Skidmore; or, is there a change? Is the coal any softer, any damper, wetter?

WITNESS MC GEE: I don't believe. It was getting a little harder, as a matter of fact.

MR. VICINELLY: When you drill the test holes that are required, and shoot your cut, can you locate -- after you have cleaned your cut up, can you see your left bottom hole?

If you don't understand me -- make sure that you are clear on that.

WITNESS MC GEE: No.

MR. VICINELLY: Why can't you see it?

WITNESS MC GEE: On account of you just fired and all the debris just went in there and blocked it up. It is pretty hard to find it. If you tried looking for it, I don't believe you could find it.

MR. VICINELLY: When you drill your test holes -- let's

j94

stay with left bottom holes -- you put your first steel in; at what length is it, your first steel that you use?

WITNESS MC GEE: Six foot.

MR. VICINELLY: Then you add what to it? Another six foot or four foot?

WITNESS MC GEE: Another six foot.

MR. VICINELLY: Another six foot.

WITNESS MC GEE: Yes.

MR. VICINELLY: During the time that you were at that, did you have any problems with -- have you had any problems with the steel sticking?

WITNESS MC GEE: A little bit, yes.

MR. VICINELLY: When you drill a hole, do you leave the drill steel in there until you have completed the complete hole, until you have gone to the depth that you want; or, do you pull it out?

WITNESS MC GEE: The first one, you mean?

MR. VICINELLY: Yes.

WITNESS MC GEE: Yes, you leave it in there.

MR. VICINELLY: You leave it in there and you keep adding to it until you get to the depth that you want?

WITNESS MC GEE: Yes.

MR. VICINELLY: The water that you had at the gangway, was it coming from drippers, or was it coming from -- you did have a little bit of water in there, didn't you?

WITNESS MC GEE: Yes.

MR. VICINELLY: Do you know where it was coming from, or could you tell --

WITNESS MC GEE: I believe from the bottom.

MR. VICINELLY: It was coming from the bottom?

WITNESS MC GEE: Yes.

MR. VICINELLY: Was the face, the top rock, dry? Was there any indication of water in the face or the top rock?

WITNESS MC GEE: Not in the gangway there wasn't too much, no.

MR. VICINELLY: How long did it normally take you to drill the test holes that were required? I am talking about your test holes, and also your holes for blasting.

WITNESS MC GEE: That is hard to say. I can't give it no time. You might have trouble with a test; some of it you might have trouble with the rock.

MR. VICINELLY: What kind of trouble would you have with a test hole?

WITNESS MC GEE: Well, like I said, you might hit a layer of shale or something, you know, rock. Then you have to start a new hole. There is no time limit on it.

MR. VICINELLY: During the time that you were working in the Skidmore, did you observe any areas where they were tapping water off?

WITNESS MC GEE: No. Not when I was there; no.

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MR. VICINELLY: Were you aware of any areas that they possibly could have tapped water off?

WITNESS MC GEE: Before I was there?

MR. VICINELLY: No. During the time you were there.

WITNESS MC GEE: No.

MR. VICINELLY: On the last day that you worked prior to the disaster, was the working place of the gangway examined?

WITNESS MC GEE: Yes.

MR. VICINELLY: By whom?

WITNESS MC GEE: By me and the foreman.

MR. VICINELLY: Was he in the place with you when you examined it?

WITNESS MC GEE: Yes.

MR. VICINELLY: Was a pre-shift examination made before you went underground?

WITNESS MC GEE: Yes.

MR. VICINELLY: How do you know that that was made?

WITNESS MC GEE: Pre-shift is in the morning. I was on second shift.

MR. VICINELLY: There is an examination made by a foreman before you go to work, isn't there?

WITNESS MC GEE: Yes. Well, he comes up there when I go up.

MR. VICINELLY: Oh, he is up there when you go in?

WITNESS MC GEE: Yes. He is right there.

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MR. VICINELLY: Have you ever observed the foreman measure the test holes that were drilled?

WITNESS MC GEE: Yes.

MR. VICINELLY: How did he measure them, Charles?

WITNESS MC GEE: With a tamping stick.

MR. VICINELLY: You put the tamping stick in the hole, is that what you --

WITNESS MC GEE: Yes.

MR. VICINELLY: Did you ever have a problem when you drilled a 26-foot hole -- what length holes were you drilling?

WITNESS MC GEE: Test holes or --

MR. VICINELLY: I am referring to test holes.

WITNESS MC GEE: What was the question?

MR. VICINELLY: How deep were the test holes that you were drilling?

WITNESS MC GEE: 26 feet.

MR. VICINELLY: Did you ever have a problem that when a foreman came in to measure he couldn't get to the back of a hole on account of the hole collapsing?

WITNESS MC GEE: No.

MR. VICINELLY: That's all the questions I have.

MR. COOK: Mr. Shober.

MR. SHOBER: Charles, who did you receive your orders from daily?

WITNESS MC GEE: Well, depending on what shift I was

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on, either Palmer or --

MR. SHOBER: In other words, you did swing?

WITNESS MC GEE: Right.

MR. SHOBER: Were test holes drilled a minimum of 20 feet at all times at the face of the gangway?

WITNESS MC GEE: Oh, yes.

MR. SHOBER: Were they drilled beyond the 26-foot mark at any time?

WITNESS MC GEE: Yes. Sometimes I drilled 28, 29 feet.

MR. SHOBER: You see, I have been told they were drilled, at times, beyond 26 feet at the pitch.

WITNESS MC GEE: I drove them 29, 30 foot, sometimes.

MR. SHOBER: And, they have been drilled beyond 26 feet in the gangway, too?

WITNESS MC GEE: Right.

MR. SHOBER: Did your crew drill test holes at the face of the West Skidmore Gangway only when you worked in the West Skidmore Gangway? That is, did you ever have the event to drill test holes at the face of the monkey heading and maybe the face of the gangway during one shift?

WITNESS MC GEE: No.

MR. SHOBER: Did you ever fall behind on your drilling of test holes and make it up on a later shift?

WITNESS MC GEE: No.

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MR. SHOBER: What was the length of each cut hole, usually?

WITNESS MC GEE: Six foot.

MR. SHOBER: Was the blasted coal cleaned up and conveyed away from the working face usually on that same shift?

WITNESS MC GEE: No.

MR. SHOBER: Give me an explanation, Charles, of the work done at the face on a routine day? You arrived at the working face and there was a solid pillar. In other words, there wasn't any drilling begun as yet. What did your day consist of?

WITNESS MC GEE: Well, first we would drill the test holes. After that we drill the cut. Then we fire.

After that, after the smoke cleared and all, then we go and clean it; you know, clean up and put it on the conveyor.

But, one shift wouldn't be able to do it, so the second shift will have to come in and do the rest of the cleaning up.

MR. SHOBER: Now, if at any time you are drilling a test hole along the low side bottom rib and you did hit the top rock before you did advance the hole 26 feet, did you ever try to advance beyond that with that same hole, or did you use the system at all times that you moved and drilled another hole along the bottom?

WITNESS MC GEE: A different hole.

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MR. SHOBER: That's all I have.

MR. COOK: Mr. Tisdale.

MR. TISDALE: Mr. McGee, on the shift, the last shift you worked before the mine flooded, what did you do that shift? Do you remember?

WITNESS MC GEE: We cleaned up, cut and re-timbered that night.

MR. TISALE: No drilling, then, that night?

WITNESS MC GEE: No.

MR. TISDALE: You indicated that you knew that there was an old mine, abandoned mine, ahead somewhere, and that it might be full of water?

WITNESS MC GEE: Yes.

MR. TISDALE: That was the reason for the test holes?

WITNESS MC GEE: Yes.

MR. TISDALE: Where did you expect that that would happen, when the old mine was intersected? How deep did you expect the old mine to be?

WITNESS MC GEE: I don't know how deep it was. We didn't know how deep it was.

MR. TISDALE: Did you think that the gangway might have hit an old slope?

WITNESS MC GEE: Something like that, yes.

MR. TISDALE: Had you seen any mine maps showing anything about the old mine?

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WITNESS MC GEE: No.

MR. TISDALE: Had management explained to you what they knew about the old mine?

WITNESS MC GEE: Yes, they told us what they knew about it; yes.

MR. TISDALE: What did they tell you?

WITNESS MC GEE: Well, they knew somewhere around there that there was, you know, an old slope or gangway or something in there. That's why we were testing for the water.

MR. TISDALE: Did you understand the requirements of the federal and state regulations for drilling ahead?

WITNESS MC GEE: Yes.

MR. TISDALE: Are you certified as a miner?

WITNESS MC GEE: Yes.

MR. TISDALE: How much time do you need to be certified? How much experience do you need to be certified as a lead miner or as a miner?

WITNESS MC GEE: Two years.

MR. TISDALE: Do you know the requirements for the pre-shift examination?

WITNESS MC GEE: The pre-shift examination?

MR. TISDALE: The pre-shift.

WITNESS MC GEE: In the morning before anybody is there?

MR. TISDALE: Well, do you know the requirements of

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the federal law on pre-shift examinations?

WITNESS MC GEE: I don't know. About checking for gas or what?

MR. TISDALE: The examination that is required to be made before that shift starts to work, before any shift starts to work. The mine must be examined by a certified person.

WITNESS MC GEE: Well, that is the foreman; yes.

MR. TISDALE: Who made the pre-shift examination prior to the operation of the second shift?

WITNESS MC GEE: I can't think of his name. All I know him by is "Rook." The second shift foreman.

MR. TISDALE: The second shift foreman?

WITNESS MC GEE: Yes.

MR. TISDALE: Had you had any training in the requirements of the federal regulations?

WITNESS MC GEE: No.

MR. TISDALE: Have you had any training in the use of the self rescuer?

WITNESS MC GEE: Yes.

MR. TISDALE: Who gave you that training?

WITNESS MC GEE: I don't know who it was, but we had a class -- we had a couple classes on the self rescuer and, you know, safety lamps, et cetera.

MR. TISDALE: Have you had a course in evacuation procedures at the mine?

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WITNESS MC GEE: No.

MR. TISDALE: Escapeways?

WITNESS MC GEE: No.

MR. TISDALE: Do you know where the escapeways are?

WITNESS MC GEE: Yes.

MR. TISDALE: How did you find out where they were?

WITNESS MC GEE: Well, I was told by the foremen and the guys that were working there. Mostly the foremen.

MR. TISDALE: How long is a tamping stick?

WITNESS MC GEE: Oh, it would go eight foot.

MR. TISDALE: And, you indicated that this would be the way the section foreman would check the depth of the test holes?

WITNESS MC GEE: Oh, the test holes? No. I must have got that wrong. I thought you meant the cut.

MR. TISDALE: I misunderstood, too.

How would the foreman check the depth of the test holes?

WITNESS MC GEE: I don't know. I don't believe I ever seen them doing it.

MR. TISDALE: Have you seen a federal inspector, state inspector, in your work place during your working shift?

WITNESS MC GEE: In the gangway?

MR. TISDALE: In the gangway.

WITNESS MC GEE: Yes, I believe once; yes.

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MR. TISDALE: Did they check on test holes?

WITNESS MC GEE: No.

MR. TISDALE: Did you have to take an examination to be certified as a miner?

WITNESS MC GEE: Yes.

MR. TISDALE: Was that a written examination?

WITNESS MC GEE: No; oral.

MR. TISDALE: Oral examination?

WITNESS MC GEE: Yes.

MR. TISDALE: I have no further questions.

MR. COOK: Mr. Phares.

MR. PHARES: When you came to work the night before the accident, did you receive any instructions from anybody as to what you were to do that night during that shift?

WITNESS MC GEE: Yes, from the shift that left.

MR. PHARES: Who did you talk to?

WITNESS MC GEE: Philip Sabatino.

MR. PHARES: What did he say, if you remember?

WITNESS MC GEE: "Clean up the rest of the cut; we have to timber," he said.

MR. PHARES: And that is what you proceeded to do; is that correct?

WITNESS MC GEE: Yes.

MR. PHARES: I believe the recovery work was completed about the end of March. Did you have a meeting in the

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bath house during April of the workers, hourly workers?

WITNESS MC GEE: A meeting?

MR. PHARES: Yes.

WITNESS MC GEE: Maybe we did; I don't know.

MR. PHARES: Do you remember any meeting in the bath house where all the hourly workers gathered?

WITNESS MC GEE: Yes.

MR. PHARES: When was that? Do you remember when that was? Was that during April?

WITNESS MC GEE: I couldn't say. We had a couple of them, telling us what to do, you know. I couldn't say which one was which. I don't know which one you mean.

MR. PHARES: There were two meetings; is that correct?

WITNESS MC GEE: There was a couple; yes.

MR. PHARES: Who about the first meeting; who attended that first meeting?

WITNESS MC GEE: The first meeting?

MR. PHARES: Besides hourly workers.

WITNESS MC GEE: Sam Klinger.

MR. PHARES: Anybody else beside Mr. Klinger?

WITNESS MC GEE: I don't know if there was a mine inspector there; I couldn't say. I don't know.

MR. PHARES: What took place at that first meeting, do you remember?

WITNESS MC GEE: Well, just about how we should go

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about, you know, trying to get into the other guys that are trapped in there, and all. You know, the procedure how to do it.

They told us which guys should go where. Which guys go to the monkey. Which guys go in the gangway.

MR. PHARES: I am talking now about after the recovery operation was completely accomplished and the recovery was completed. Were there any meetings after that point?

WITNESS MC GEE: No, not that I know of. I was sick at that time, after it was over.

MR. PHARES: When did you go back to work?

WITNESS MC GEE: When was it over? I went the following Monday. The last person was out on Tuesday and I wasn't at work since the Saturday before that.

MR. PHARES: Which week are you talking about now?

Were you working at the mine during April? Do you remember?

WITNESS MC GEE: During April, yes. Not at the end of the recovery, I wasn't. The last week I wasn't.

MR. PHARES: Is it your testimony that there were no meetings in the bath house, that you are aware of, during the month of April?

WITNESS MC GEE: Well, like I said, the one I told you about. That was all I know of.

MR. PHARES: Was there any meeting in the bath house

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at any time at which the hearing that is being held this week was discussed?

WITNESS MC GEE: No, not that I know of.

MR. PHARES: There was not?

WITNESS MC GEE: No.

MR. PHARES: I have no further questions.

MR. COOK: Mr. Strain.

MR. STRAIN: I have a couple, Mr. McGee.

Who was the person who told you that, or were you ever told that it was necessary to drill holes in advance of the work place?

WITNESS MC GEE: Who was the one that told me?

MR. STRAIN: Right.

WITNESS MC GEE: When I first went up there to work the lead miner up there told me.

MR. STRAIN: What was his name?

WITNESS MC GEE: George Madenford.

MR. STRAIN: Had you drilled any holes in the East Skidmore section?

WITNESS MC GEE: The East Skidmore?

MR. STRAIN: Yes.

WITNESS MC GEE: No.

MR. STRAIN: How about prior to your work in the West Skidmore, did you ever drill holes?

WITNESS MC GEE: No.

MR. STRAIN: So, this is the first time that you had done it?

WITNESS MC GEE: I drilled holes, but not ahead -- long holes; I never drilled no long holes before.

MR. STRAIN: So, the first person who told you was Mr. Madenford, and he was the lead miner?

WITNESS MC GEE: Yes.

MR. STRAIN: And, you were working under him?

WITNESS MC GEE: Yes.

MR. STRAIN: How long were you working under him?

WITNESS MC GEE: Two months, I guess.

MR. STRAIN: When the mine foreman came around, what were the things that he generally talked about?

WITNESS MC GEE: About drilling ahead, safety, fore-poling, in case anything come down.

MR. STRAIN: You said that on a couple of occasions you drilled further than 26 feet. Why?

WITNESS MC GEE: I had the extra steel, so I just went the extra feet.

MR. STRAIN: Were there other times that you didn't have the extra steel?

WITNESS MC GEE: Yes.

MR. STRAIN: Let me try to understand what you are saying. Were you two feet in with the six-foot steel, so you went all the way to the end of that --

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WITNESS MC GEE: Yes. Most of the time we had 26 feet even; but, then a lot of the times we had somebody switch up the steels and we have extra, an extra 4, 6 foot; that would change it. So, we drilled all the way in. It might be 29 foot, you know, or 28.

MR. STRAIN: Did you ever encounter water at any time when you were drilling the holes?

WITNESS MC GEE: No.

MR. STRAIN: That's all my questions.

MR. COOK: Mr. McGee, where did you take your examination for your miner's papers?

WITNESS MC GEE: Tremont.

MR. COOK: You went to a state office there to take it, to the state mine inspector?

WITNESS MC GEE: Yes.

MR. COOK: Is there proof of your work history required at that time?

WITNESS MC GEE: My work history?

MR. COOK: Yes, how long you worked in the mines.

WITNESS MC GEE: Yes.

MR. COOK: On the shift, the last shift you worked in the gangway prior to the inundation, did I understand you to say that you cleaned up the place and timbered it back?

WITNESS MC GEE: Yes. They fired a cut on day shift. They cleaned half of the cut up; so, when we came in, we

jl10

cleaned the other half up and timbered. Then we put a pan and chain on.

MR. COOK: You didn't do any drilling that last time?

WITNESS MC GEE: No.

MR. COOK: Did you wear rain gear while you were working in the face of the gangway?

WITNESS MC GEE: No.

MR. COOK: Did any of your fellow workers?

WITNESS MC GEE: No; it wasn't that wet.

MR. COOK: How about in the monkey airway or up in the breast, did they wear rain gear?

WITNESS MC GEE: Not when they were up. They were back in maybe 15 or 16, I believe.

MR. COOK: Were you ever aware of a place accidentally shooting through into old works?

WITNESS MC GEE: Pardon?

MR. COOK: Were you ever aware of a working place accidentally shooting through into old works, abandoned works?

WITNESS MC GEE: Accidentally?

MR. COOK: Yes. Unexpectedly shooting into it.

WITNESS MC GEE: No, I don't believe.

MR. COOK: Did you ever have a cut stick on you when you shot it, it didn't break up well?

WITNESS MC GEE: No.

MR. COOK: Or it would blow through or blow back on

jlll

you?

WITNESS MC GEE: No.

MR. COOK: Are there any other questions?

(No response.)

MR. COOK: That is all, Mr. McGee. Thank you.

(Witness excused.)

MR. COOK: At this time we would like to have Mr. Irvin Schreffler, please.

Whereupon,

IRVIN SCHREFFLER

having been duly sworn, testified as follows:

MR. PHARES: Would you please state your name for the record, and spell your last name?

WITNESS SCHREFFLER: Irvin Schreffler, S-c-h-r-e-f-f-l-e-r.

MR. PHARES: What is your address, please?

WITNESS SCHREFFLER: Star Route, Valley View.

MR. PHARES: Before we begin the questioning I want you to understand that this is a formal investigatory hearing. A written transcript is being made of the statements taken.

You have the right to have counsel present while you are testifying. You may consult with counsel before answering any question, and you may refuse to answer any question until you have had an opportunity to consult with counsel of your choice.

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You also have the right not to make any statement which might lead to your conviction of any state or federal offense.

You should understand that any statement which you make can be used against you in any court action arising out of this matter.

If you do not understand a question, you have a right to have it clarified before you give an answer.

Do you understand the rights which I have just explained to you?

WITNESS SCHREFFLER: Yes.

MR. PHARES: Thank you.

MR. VICINELLY: What was your occupation?

WITNESS SCHREFFLER: I worked in the monkey. I was a lead miner after my brother left. He worked back there. He was the lead miner first, when I started there.

MR. VICINELLY: How long have you been a lead miner?

WITNESS SCHREFFLER: I would say about six months.

MR. VICINELLY: How long have you worked in the coal mines?

WITNESS SCHREFFLER: You mean altogether?

MR. VICINELLY: Yes.

WITNESS SCHREFFLER: About 12 years.

MR. VICINELLY: How long have you worked at the Porter Tunnel Mine?

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WITNESS SCHREFFLER: A year.

MR. VICINELLY: How long have you worked in the Skidmore section?

WITNESS SCHREFFLER: About eight months.

MR. VICINELLY: What are the duties of a lead miner?

WITNESS SCHREFFLER: You have got to do what the boss tells you and obey your duties.

MR. VICINELLY: Do you have apprentice miners working under you?

WITNESS SCHREFFLER: I did have, at that time.

MR. VICINELLY: Do you have the responsibility of the safety in that working place?

WITNESS SCHREFFLER: I would say so, yes.

MR. VICINELLY: The shift that you worked prior to the break-in, do you recall what the conditions were like, or what you found when you went in, what you had to do in there, or what orders you got from the previous shift?

WITNESS SCHREFFLER: You mean the night before this happened?

MR. VICINELLY: Yes.

WITNESS SCHREFFLER: We had everything timbered up the night before, and the day shift, when they come on, it was their turn to drill and fire.

MR. VICINELLY: At the end of your shift it was timbered up?

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WITNESS SCHREFFLER: That is right.

MR. VICINELLY: It was ready to be drilled and fired.

WITNESS SCHREFFLER: Right.

MR. VICINELLY: But, at the start of your shift what were the conditions?

WITNESS SCHREFFLER: We had half of the cut to muck out and timber it up when we started.

MR. VICINELLY: Was there any evidence, when you went in at the start of your shift, of any test holes that were drilled?

WITNESS SCHREFFLER: Yes, sir.

MR. VICINELLY: Where were they at?

WITNESS SCHREFFLER: We seen one in the face of the gangway, and one about on a 45 degree pitch up in the rib of the face, or in the rib.

MR. VICINELLY: You said you saw one in the gangway?

WITNESS SCHREFFLER: No, in the monkey. We very seldom went in the gangway.

MR. VICINELLY: I may have misunderstood you; I thought you said gangway.

WITNESS SCHREFFLER: No.

MR. VICINELLY: As a lead miner, were you drilling test holes in the monkey?

WITNESS SCHREFFLER: Yes, sir.

MR. VICINELLY: How were you drilling?

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WITNESS SCHREFFLER: One in the center of the face, and one in the 45, and one in the floor.

MR. VICINELLY: How deep were the test holes drilled?

WITNESS SCHREFFLER: At last we were drilling them 35 feet in the monkey.

MR. VICINELLY: Why did you go to 35-foot test holes?

WITNESS SCHREFFLER: Well, me and my buddy decided we would drill farther ahead.

MR. VICINELLY: Had you been instructed by the foreman or anybody else to drill deeper test holes?

WITNESS SCHREFFLER: No.

MR. VICINELLY: How deep did the foreman want you to drill test holes?

WITNESS SCHREFFLER: Twenty-six feet.

MR. VICINELLY: You were instructed to drill them 26 feet?

WITNESS SCHREFFLER: Yes.

MR. VICINELLY: Did you wear a raincoat or a wet suit when you worked up in the monkey?

WITNESS SCHREFFLER: No, sir.

MR. VICINELLY: What were the conditions up there as far as water? Was it wet, or drippers, or --

WITNESS SCHREFFLER: Once in a while you might have had a little dripper, but nothing that we got real wet.

MR. VICINELLY: On the shift that you were on, did you

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ever go down into the gangway?

WITNESS SCHREFFLER: The only time we would go down is when we would eat.

MR. VICINELLY: Where did you eat, then?

WITNESS SCHREFFLER: We were usually about 100, 150 feet out from the gangway.

MR. VICINELLY: When you did any blasting, was it coordinated with the other men that were working in the gangway and up in the slant?

WITNESS SCHREFFLER: Yes, we always let them know that we were going to fire.

MR. VICINELLY: Did they stay up in there, or did they come down?

WITNESS SCHREFFLER: Sometimes they come down; sometimes they stayed up.

MR. VICINELLY: Did they notify you when they were going to blast?

WITNESS SCHREFFLER: Yes, sir.

MR. VICINELLY: When they notified you, what did you do? Did you stay there, or did you come down?

WITNESS SCHREFFLER: Sometimes we got back so we were in under the timber, and we stayed up, especially if we were in past the chute that we knew that we wouldn't get the smoke.

MR. VICINELLY: How often did you see your foreman?

WITNESS SCHREFFLER: Every day at the beginning of the

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shift, and then he would come around about two or three times a night.

MR. VICINELLY: Did he ever observe you drilling test holes?

WITNESS SCHREFFLER: Yes, sir.

MR. VICINELLY: Did you ever see him measure the test holes?

WITNESS SCHREFFLER: Yes, sir.

MR. VICINELLY: How did he measure them?

WITNESS SCHREFFLER: With steels.

MR. VICINELLY: The steels that were used to drill with?

WITNESS SCHREFFLER: Yes, sir.

MR. VICINELLY: Were you ever concerned that there was a possibility that someone may not have been drilling test holes? Did you ever hear any of your buddies discuss that?

WITNESS SCHREFFLER: The guys were always talking about drilling them ahead.

MR. VICINELLY: Let me try to rephrase that question. What I asked was: During the time that you were working, were you ever concerned that there was a possibility they may not have been drilling test holes, or that test holes were not deep enough?

WITNESS SCHREFFLER: Would you repeat that again?

MR. VICINELLY: Sure. During the time that you were

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working in the West Skidmore, were you, personally, ever concerned that maybe there was somebody that wasn't drilling test holes, or wasn't drilling the test holes deep enough?

Do you understand my question now?

WITNESS SCHREFFLER: If I was concerned whether they were drilling them deep enough?

MR. VICINELLY: That they weren't drilling them deep enough.

WITNESS SCHREFFLER: Well, everybody was told to drill them 26 feet or farther, if they could.

MR. VICINELLY: During the time that you were drilling the test holes, did you ever observe water coming out of the holes?

WITNESS SCHREFFLER: A little bit once in a while; nothing that would even fill a cup up.

MR. VICINELLY: The day before we had the disaster, did you observe any water coming out of the holes?

WITNESS SCHREFFLER: We didn't, me and my buddy didn't fire the last three cuts that we worked in the monkey.

MR. VICINELLY: That's all the questions I have.

Joe.

MR. COOK; You say you hadn't fired the last three cuts in the monkey; that would go to the other shift.

WITNESS SCHREFFLER: No. The other shift did.

MR. COOK: When you went into the gangway section,

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about what was the location of the monkey airway at that time? How far in was it?

WITNESS SCHREFFLER: You mean --

MR. COOK: 12 Chute, 10 Chute; or, do you remember about where it was at the time you started working there?

WITNESS SCHREFFLER: I think it was Number 9.

MR. COOK: You mentioned about drilling the two flank holes and the hole in the face. Is the mining plan to keep the monkey airway slightly behind the gangway? Is the gangway normally developed a little bit further than the monkey airway? Was that ever discussed with you?

WITNESS SCHREFFLER: Yes, sir. They usually are always ahead of us.

MR. COOK: The gangway is always a cut or two ahead?

WITNESS SCHREFFLER: Yes, sir.

MR. COOK: You still drill a flank hole in the bottom?

WITNESS SCHREFFLER: Yes, si.

MR. COOK: Had you received any safety training since you had been working at the Porter Tunnel Mine?

WITNESS SCHREFFLER: In first-aid, survival.

MR. COOK: Have they had evacuation of the mines using escapeways?

WITNESS SCHREFFLER: Yes.

MR. COOK: Who normally taught those classes, or gave

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you instructions like that?

WITNESS SCHREFFLER: Our foremen.

MR. COOK: You were in the monkey airway from, say, 9 or 10 Chute forward. Did you notice any change in the high rib side of your working place? Was the coal less firm than it had been when you first went there? Had you noticed any difference at all?

WITNESS SCHREFFLER: It wasn't always the same. Sometimes it gets softer than it was at other places.

MR. COOK: Did it have a tendancy to want to run down the chute more in the last few weeks than it had prior to that?

WITNESS SCHREFFLER: Yes, sir.

MR. COOK: When did you first start noticing that it wanted to run more?

WITNESS SCHREFFLER: Oh, around 17.

MR. COOK: Now, 16 Chute was not developed, was it?

WITNESS SCHREFFLER: No, sir.

MR. COOK: Do you recall passing through that area, mining through that area?

WITNESS SCHREFFLER: Yes, sir.

MR. COOK: You had considerable trouble?

WITNESS SCHREFFLER: Yes. It was a little soft.

MR. COOK: When you cleaned up and timbered back, were you forepoling in the face of the monkey airway?

WITNESS SCHREFFLER: Yes, sir.

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MR. COOK: On every cut?

WITNESS SCHREFFLER: Yes, sir.

MR. COOK: Did you have to do that? Was the coal trying to run on you then?

WITNESS SCHREFFLER: Yes, sir.

MR. COOK: Did you lose much coal like that? Did much coal run on you before you got the forepoles?

WITNESS SCHREFFLER: No, sir.

MR. COOK: You are usually able to catch it?

WITNESS SCHREFFLER: Yes.

MR. COOK: That's all the questions I have.

MR. VICINELLY: Jim.

MR. SHOBER: On the day of the accident, will you describe the work performed, from the start to finish? This is the day that the accident occurred.

WITNESS SCHREFFLER: Will you repeat that?

MR. SHOBER: Will you describe your duties from start to finish of that day's work?

WITNESS SCHREFFLER: You mean the day it happened?

MR. SHOBER: The night before.

WITNESS SCHREFFLER: Well, when we went in we had the timber to take along up, and we took it in and we took it up in the monkey. We had to start mucking. Half of the cut was there. We went up and mucked that out.

Then we timbered to the end of the shift. When we

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went home we had everything set up that they could drill and fire the next day.

MR. SHOBER: Now, Irvin, I realize that the veins don't run uniform in this area adjoining the pitch and the swell because of the weight of the overlying strata and what have you, but can you give me an idea of the nature of the vein in the monkey heading as you advanced it west in the area of Number 16 Chute? Can you recall?

WITNESS SCHREFFLER: You mean how the coal was?

MR. SHOBER: Yes.

WITNESS SCHREFFLER: Well, it was fine and slippy, and we always had to drill holes on the top and the rib; we always done that before we mucked all the coal out.

MR. SHOBER: When you did begin your day's work, did you talk to your section foreman before entering?

WITNESS SCHREFFLER: Yes, sir.

MR. SHOBER: And, also during the shift?

WITNESS SCHREFFLER: Yes, sir.

MR. SHOBER: That's all I have.

MR. VICINELLY: Jack.

MR. TISDALE: Mr. Schreffler, did you have any discussions with your foreman about the old mine that was ahead or above you?

WITNESS SCHREFFLER: When he used to come around we used to talk to him about it.

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MR. TISDALE: What did you expect would happen when you encountered the old mine?

WITNESS SCHREFFLER: I really don't know.

MR. TISDALE: I guess what I am trying to say, did you expect that the monkey entry would intersect some old works at some time as you advanced?

WITNESS SCHREFFLER: Maybe we were thinking that we might drill into it at one time or another.

MR. TISDALE: Had you looked at the mine map to see what information was available concerning the old works?

WITNESS SCHREFFLER: No.

MR. TISDALE: Had you studied the mine map? Since you had been lead miner on the monkey, had you studied the mine map?

WITNESS SCHREFFLER: Yes. I looked at it; yes.

MR. TISDALE: Where was the mine map that you looked at?

WITNESS SCHREFFLER: They had it in the office.

MR. TISDALE: In the office?

WITNESS SCHREFFLER: Yes.

MR. TISDALE: Had a federal or state inspector visited your workings underground while you were lead miner on the monkey?

WITNESS SCHREFFLER: Yes, sir.

MR. TISDALE: Were they there while you were drilling

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test holes? Do you remember?

WITNESS SCHREFFLER: Not that I recall.

MR. TISDALE: I don't have anymore questions.

MR. VICINELLY: Dennis.

MR. STRAIN: You stated that at one time, at least on one occasion when you went inside the mine you could see the test holes from the previous shift; is that correct?

WITNESS SCHREFFLER: Yes, sir.

MR. STRAIN: But, you didn't mention seeing a hole in the bottom. Couldn't you see a hole in the bottom?

WITNESS SCHREFFLER: You very seldom could see them when a pile of coal is laying on top of them. There is no way that you can see a hole in the floor after they fire.

MR. STRAIN: But, you could still see the one in the face, and the one up above?

WITNESS SCHREFFLER: Yes, sir.

MR. STRAIN: On the day before the water broke in, were you forepoling that day?

WITNESS SCHREFFLER: No, sir. The coal was harder in there where we were at, and we didn't have to.

MR. STRAIN: That's all of my questions.

MR. VICINELLY: Bob.

MR. PHARES: Mr. Schreffler, we have a question from the audience. What did the foreman say when he found you drilling 35-foot holes when he had instructed you to drill them 26 foot?

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WITNESS SCHREFFLER: He just asked us why we were drilling that far, and we told him that we wanted to.

MR. PHARES: What was his response to that, if any?

WITNESS SCHREFFLER: He said that would be better. If we wanted to do that, that was up to us.

MR. PHARES: Fine. I have no further questions.

MR. VICINELLY: Thank you.

(Witness excused.)

MR. COOK: As I mentioned earlier, due to prior commitments for the building, they would like to have the room back by 5:00. So, this will be the last witness for the day.

Tomorrow we will start at 9:00, and we will run a little later tomorrow; probably around 7:00 p.m. We would like to get as far along as we can.

We would certainly have hopes of getting the second shift employees tomorrow, the witnesses regarding the adjacent mines, and, hopefully, we will start with the company officials.

So, that will be our agenda we hope to do tomorrow.

If there are no other questions at this time we will adjourn until tomorrow.

(Whereupon, at 4:50 p.m., the hearing was adjourned, to reconvene at 9:00 a.m., on Wednesday, June 8, 1977, in Tower City, Pennsylvania.)

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C E R T I F I C A T E

I hereby certify, as the stenographic reporter, that the foregoing proceedings were taken stenographically by me, and thereafter reduced to typewriting by me or under my direction; and that this transcript is a true and accurate record to the best of my ability.

COMMONWEALTH REPORTING COMPANY, INC.

By: Judith A. Toberman

Judith A. Toberman

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